THE PUNJAB SMALL TOWNS ACT

THE

Punjab Small Towns Act

AND

RULES MADE THEREUNDER

BEING A

COMMENTARY ON PUNJAB ACT II OF 1922

AS MODIFIED UP-TO-DATE

BY

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PREFACE دیباچہ

Under the Punjab Small Towns Act, 1922, a very large number of Small Town Committees have been established in this Province. But at present there is no authentic commentary of the Act which will enable the members, the general public and officers connected with the working of the Small Town Committees, to understand the law as it is intended to be applied to them. In this publication no pains have been spared to embody the latest and relevant case law contained in many other analogous provisions of various other enactments relating to the Local Self Governing Bodies in British India and England. Besides case law, all the possible references of Government notifications have been noted under every section. All the rules framed by the Local Government for the working of the Small Towns together with their uptodate amendments and several necessary notes, have been added in Book II. Model Rules likely to be framed under the various clauses of section 35 of this Act and the Model Rules relating to vaccination, together with the names of the Small Town Committees in which these or similar rules are in force and the notificarions by virtue of which they have been enacted, have also been carefully embodied in this book in their respective places.

This publication is laboriously prepared on the same lines as adopted by the author in his very successful publication called " The Law and Practice of the Punjab District Boards." It is hoped that this book will serve as useful a purpose for the persons dealing with the Small Towns, as the other publication has served for the District Boards. With a view to improving the second edition of this work, the author will be obliged to all the gentlemen who send him their suggestions.

AUTHOR.

DEDICATED

TO

The Small Town Elector, the honest use of whose vote has secured such a member who, while on the Small Town Committee, has, at any rate, ever kept in view that he is only a servant of the public and subject to the limitations of law, has made a free and independent excercise of his vote in his Committee, this book is most sincerely dedicated,

By the

AUTHOR.

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THE

Punjab Small Towns Act

Punjab Act No. II of 1922.*

(As modified up to 1929).

PASSED BY THE LOCAL LEGISLATURE OF THE PUNJAB

(Received the assent of the Governor on the 5th December 1921 and that of the Governor-General on the 25th January 1922 and was first published in the Punjab-Government Gazette† of the 17th March 1922).

1	2	3	4	5
Year	No.	Short title.	Whether inforce in the Punjab or in the N W F Province or both	Whether repealed or otherwise affected by legislation.
1922	II	The Punjab Small Towns Act 1921	Punjab	Amended, Punjab Act IV of 1925‡ " " XIV of 1926‖ .. M. & S T Amendment Act, 1929 (IV of 1929)

*. For Statement of Objects and Reasons, see Punjab Gazette, 1921, Part V, pages 75—84 ; for Select Committee's report see ibid, 1921, Part. V pages 87– 108. and for Proceedings in Council see Punjab Legisiative Council Debates. Volume II, page 102—09, 519-31. 566-67

† See Punjab Gazette, 1922, Part I, pages 176-85

‡. For Statement of Objects and Reasons, see Punjab Gazette, 1925, Part V, page 5-6, for report of the Select Committee, see ibid, 1925 Part V. pages 60-61 and for Proceedings in Council, see Punjab Legislative Council Debates Volume VIII -A, pages 11-12 and 819-21. This Act came into force on 1-7-1925, see Punjab Gazette 1925, Part I. A. page 183. Notification No. 14721 of 13-6-25

‖. For Statement of Objects and Reasons, see Punjab Gazette, 1926, Part I, Page 929 and for proceedings in Council, see Punjab Legislative Council Debates, Volume IX, pages 1591-92. This Act came into force on 2nd December 1926.

An Act to make better provision for the administration of small towns in the Punjab.

WHEREAS it is expedient to make better provision for the administration of small towns in the Punjab and whereas the previous sanction of the Governor-General has been obtained under section 80-A (3) of the Government of India Act: It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Punjab Small Towns Act, 1921.

(2) It extends to the Punjab, and it shall come into force on such* date as may be notified in this behalf by the Local Government in the *Punjab Gazette.*

Definitions

2. In this Act, unless there is something repugnant in the subject or context—

(*a*) "annual value" means the gross annual rent at which any house or land may reasonably be expected to let from year to year;

(*b*) "house" includes any shop, warehouse, factory, office or business premises;

(*c*) "building" includes any house, portion of a house, and a wall, well, which is not used for agricultural purposes, tank or reservoir;

*. This Act came into force on 7th May 1923, see Punjab Gazette 1923 Part I A page 167.

(*d*) " erection or re-erection of buildings " includes any alteration of or addition to any building except ordinary repairs ;

(*e*) A " small town " means any local area shown in the returns of the last official census to contain fewer than ten thousand inhabitants which the Local Government may declare to be a small town for the purposes of this Act.

[(*f*) " Deputy Commissioner " includes any officer or officers at any time specially appointed by the Local Government to perform in any local area the functions of a Deputy Commissioner under this Act.]

NOTES.

1. Clause (*f*) was added by section 2 of Punjab Act, XIV of 1926.

2. This section is analogous to section 3 of the P. M. Act, 1911.

3. " Deputy Commissioner " shall mean the chief officer in charge of the general administration of a district—*Sec. 2 (14) of the Punjab General Clauses Act, I of 1898*, but clause *(f)* of this section has extended the definition of " Deputy Commissioner."

Annual value. Annual value means annual letting value. 11 Cal 272.

Cross annual rent. Generally speaking gross rent is the rent reserved in the lease and actually paid by the tenant. But such a rent may be increased or decreased owing to various circumstances and thus can not remain as a standard measure of annual letting. What the landlord ultimately receives as rent is not the test, but the test is the rent which the tenant may

reasonably be expected to give. *Smith* v. *Churchwardens of Birmingham* (1889) 22 Q.B.D. 703) *East London Railway Joint Committee* v. *Greenwich Union* (1907) 71. J. P. 460. Where the tenant agreed to pay Rs. 20 per mensem and to keep the garden watered or to pay Rs. 50 and the landlord was to arrange for the watering, it was held that the annual value was the annual rent at Rs. 50 per mensem, 31 M.L.J. 315; 35 I. C. 589. In cases of annual tenancy the measure of annual value of letting is the annual rent mentioned in the terms of the lease.

May be reasonably expected to let. In cases where there is no annual tenancy or where the owner or a stranger occupies a building, it is difficult to determine the annual letting value. But in 10 Mad. 38, the principles of determining the annual value of such buildings are discussed. The property should be valued as it stands at the time of valuation for assessment. Past or future condition must not be taken into account.

From year to year. This does not mean that the property is to be assessed to annual letting as if it were let to a tenant for a year; but as if it were let from year to year. *R. V. South Staffordshire Waterworks Co.* (1885) 16 Q.B.D. 359 at p. 369.

Building. Literally, "building" is a "fabric or edifice constructed; a thing built" *Webster's Dictionary*. It means structure of any kind would be a building. In this definition of the Act (clause (*c*)) a well for agricultural purposes is not included. But whether a well used for watering flower garden maintained solely for the recreation of the residents of the bungalow to which it is used, will be considered as a well for agricultural purposes. If the produce of the garden is sent to the market for sale it would be for agricultural purposes, otherwise not.

However, a tin-roofed shed, 40 I. C. 307; an addition to a building; 1 Mad. L. J. 371; a corrugated iron shed; 7 C. L. J. R. 243; construction of a new and additional wall which materially enlarges a courtyard. 26 I. C. 651; a compound wall. 45 B. 1151; 63 I.C. 158, has been held to be a "building." But a wire fence, 41 B. 563; 41 I.C. 556; a mere wattle fence, Rat. Un. C. C. 428(1888), a grain pit, 20 I C. 611; a reed fence, Rat. Un.C.C.

145 (1880); Inclosure of canvas screens; 28 All. 199, has not been held to be a " building."

Erection or re-erection. This definition conveys an idea that the additions should of a permanent nature, therefore mere temporary structures such as mere enclosing of a space by canvas screens cannot be considered as erecting a building. 28 All. 199.

CHAPTER II.

Constitution of Small Towns and Town Committees and the appointment of Servants.

Procedure for constituting a small town.

3. (1) The Local Government may by notification in the *Punjab Gazette* and by proclamation in the area concerned—

(a) propose to declare any town, village, suburb, bazar or inhabited place or any area included in a colony as defined in section 3 of the Colonization of Government Lands (Punjab) Act, 1912, to be a "small town" for the purposes of this Act, and may for the purposes of the proposed declaration unite the whole or any portion of any town, village suburb, bazar or inhabited place with the whole or any portion of any other town, village, suburb, bazar or inhabited place:

Punjab Act V of 1912.

(b) define the limits of any small town for the like purposes: provided that a town already having a municipality shall not be declared a small town within the meaning of this Act.

(2) Should any inhabitant desire to object to a notification issued under sub-section (1) he may within three months from the date of its publication, submit his objection in writing, through the Deputy Commissioner, to the Local Government and the Local Government shall take his objection into consideration.

(3) When three months from the date of the publication have expired, and the Local Government has considered and passed orders on such objections as may have been submitted to it the Local Government may, by notification, declare the local area to be, for the purposes of this Act, a "small town."

"(3a) When a local area, the whole or part of which was a notified area under the Punjab Municipal Act, 1911, is declared to be a small town under this section, the small town committee shall be deemed to be the perpetual successor of such notified area committee in respect of all its rules, byelaws, taxes and all other matters whatsoever to the extent to which they are lawful for a small town under this or any other Act."

Punjab Act, III of 1911

(4) The Local Government may, by notification, direct that all or any of the rules made under this Act which are in force in any "small town" in the Punjab shall, with such exceptions and adaptations as may be considered necessary, apply to the local area constituted a "small town" under this section and such rules shall forthwith apply to such "small town" without further publication.

"(5) The Local Government may at any time cancel or modify any notification issued under this section."

NOTES.

1. Sub-section 3 (*a*) was inserted by the Punjab Small Towns (Amendment) Act, 1925, (Punjab Act, IV of 1925), section 2. This amendment has been given retrospective effect by section 12 of Punjab Act of 1925, which reads as follows :—

> "The amendment made in the said Act by section 2 shall have effect as if it had been made on the 7th day of May, 1923."

2. Sub-section (5) has been inserted by clause (*i*) of section 3 of the Punjab Municipal and Small Towns Amendment Act, 1929 (Punjab IV of 1929).

Notification under section 3 (1)

The following is an example of a notification under sec. 3 (1):—No. 20134. The 27th August 1924. In exercise of the powers conferred by section 3 (1) and (2) of the Punjab Small Towns Act, 1922, the Punjab Government (Ministry of Education) propose to declare the local area of Kot Naina in the Gurdaspur District, as defined in the schedule hereto annexed, to be a Small Town under the said Act.

Any inhabitant of the said local area, who desires to object to the proposal should submit his objection in writing to the Punjab Government (Ministry of Education) through the Deputy Commissioner, within three months from the date of publication of this notification :—

Schedule showing the boundaries of the proposed Small Town of Kot Naina.

North.—Cultivated lands of Kot Naina and footpath comprising of Khasra Nos. 29, 31, 33, 34, 35, 50, 51 and 52.

South.—Nallah.

East.—Darbar Sahib Garden, Abadi of village Khan Murakka.

West.—Cultivated lands of Kot Naina comprising of Khasra Nos. 15, 16, and 17.

Under section 3 (3) of this Act, the Local Government, has declared the following local areas to be "small towns" for the purposes of this Act, by notifications mentioned against them:—

District.	Local area.	P. G Notification.
1. Ambala ...	Babial ...	4453 of 7-2-31
	Kalka ...	7066 of 7-3-24
	Kharar ...	3017 of 24-1-24
2. Amritsar ...	Majitha ...	14696 of 23-5-24
	Ram Dass ...	1585 of 15-1-24
	Sultanwind ...	4351 of 11-5-24
3. Attock ...	Attock ...	20841 of 8-9-24
	Fatehjang ...	3013 of 29-1-24
	Hasanabdal ...	3021 of 29-1-24
	Makhad ...	1732 of 7-5-29
4. Dera Ghazi khan	Kot Chhuta ...	6717 of 5-3-24
	Taunsa ...	6721 of 7-3-24
	Vehoa ...	7075 of 5-3-24
5. Ferozepore ...	Dharamkot ...	20261 of 14-9-25
	Giddarbaha ...	6282 of 21-2-28
	Guruhar Sahai ...	[illegible]510 of 5-11-29
6 Gujranwala ...	Akalgarh ...	19299 of 31-8-25
	Hafizabad ...	11849 of 6-5-25
	Qillah Didar Singh	19303 of 31-8-25
	Pindi Bhattian ...	11858 of 6-5-25
	Sohdra ...	18592 of 19-8-25
7. Gujrat ...	Daulatnagar ...	29756 of 18-12-23
	Kharian ...	6087 of 27-2-24
	Lalamusa ...	9735 of 29-3-24
	Malakwal ...	4861 of 14-2-24
	Phalia ...	6713 of 5-3-24
	Shadiwal ...	9727 of 29-3-24
8. Gurdaspur ...	Dhariwal ...	29665 of 11-10-26
	Fatehpur ...	2301 of 25-1-24
	Qadian ...	35398 of 30-11-26
	Narot Jaimal Singh	26224 of 24-11-24
	Sri Gobindpur ...	1418 of 14-1-24
	Sujanpur ...	2305 of 25-1-24
9 Gurgaon ..	Hidayatpur Chhaoni ...	4956 of 14-2-24
10. Hissar ..	Budhlada ...	1581 of 15-1-24
	Jakhal ...	1411 of 14-1-24
	Kalanwali ...	3631 of 4-2-24
	Mandi Dabwali ..	13205 of 27-2-26
	Tohana ...	3805 of 5-2-24
11. Hoshiarpur ...	Dasuya ...	14899 of 27-5-24
	Garhdiwala ...	15205 of 4-6-24
	Garhshankar ...	17773 of 18-7-24

District.	Local Area.	P. G. Notification.
Hoshiarpur	Hariana ...	14894 of 27-5-24
	Miani ...	14902 of 27-5-24
	Mukerian ...	14799 of 26-5-24 and 2564 of 25-10-26
	Una ...	14700 of 23-5.24
12. Jhang ...	Ahmadpur ...	6313 of 29-1-24
	Garhmaharaja ...	6329 of 29-1-24
	Lalian ...	6314 of do.
	Shorkot ...	6309 of do.
	Wasu Astana ...	6321 of do.
13. Jhelum ...	Chakwal ...	1974 of 18-1-24
14. Jullundur ...	Alowalpur ...	12484 of 23-4-24
	Nawanshahr ..	6721 of 29-3-24
15. Kangra ...	Kangra ...	13094 of 29-4-24
	Nurpur ...	9731 of 29-3-24
	Palampur ...	15889 of 16-6-24
16 Karnal ...	Ladwa ...	9196 of 26-3-24
	Pundri ...	7169 of 8-3-24 and 19432 of 31-2-29
	Radaur ...	6076 of 27-2-24
17. Lahore ...	Ichhra ...	18315 of 25-7-24
	Kot Rai Butamal Cum. Azamabad ...	18222 of 25-7-24
	Niaz Beg ...	18318 of do.
	Padhana ...	18310 of do.
18, Ludhiana ...	Khanna ...	483 of 7-1-24
	Machhiwara ...	479 of 7-1-24
19. Layallpur ...	Jaranwala ...	367 of 5-1-24 & 2246 of 28-1-24
	Tandlianwala ...	362 of 5-1-24
	Toba Tek Singh ...	373 of do
20. Multan ...	Dunyapur ...	26218 of 24-11-24
	Jalalpur Pirwala ...	36177 of 5-12-30
	Kabirwala ...	13712 of 7-5-24
	Kahror ...	10734 of 27-3-28
	Mailsi ...	13718 of do.
	Tulamba ...	19353 of 13-8-24
21 Muzaffargarh ...	Daira Din Panah ...	487 of 7-1-24
	Jator ...	1967 of 18-1-24
	Kot Adu ...	377 of 5-1-24
	Khairpur Saddat ...	402 of do.
22. Mianwali ...	Kallur Kot ...	32362 of 10-11-28
23. Rawalpindi ...	Gujarkhan ..	15895 of 16-6-24
24. Rohtak ...	Mehm ...	16747 of 2-7-24
25. Shahpur ...	Bhalwal ...	29841 of 19-12-23
	Nurpur ...	1589 of 15-1-24
	Shahpur Civil Station	29834 of 19-12-23
	Sillanwali ...	29838 of do.

District.	Local Area.	P. G. Notification.
26 Sheikhupura ...	Chuharkana ...	3090 of 6-9-24
	Khangah Dogran ...	3094 of do.
	Sangla ...	3410 of do.
	Shahdara ...	3696 of 4-2-24
	Shahkot ...	20795 of 6-9-24 & 18981 of 18-6-28
27. Sialkot ...	Bado Mahli ...	2281 of 21-1-24
	Begowala ...	2293 of do.
	Bhupalwala ...	2297 of do.
	Chawinda ...	2262 of do.
	Daska ...	2269 of co.
	Daud ..	2277 of do.
	amke ...	2258 of do.
	Kalaswala ...	2309 of 25-1-24
	Mitranwala ...	2289 of 21-1-24
	Qillah Sbha Singh	12383 of 5-4-28
	Sahowala ..	2285 of 21-1-24
	Sankhatra ...	13957 of 21-4-30
	Sambrial ..	2313 of 25-1-24
	Zaffarwal ..	2273 of 21-1-24

Under Sec. 3 (5) the following local areas have been cancelled to be small towns:—1. Kahnuwan (Gurdaspur) P.G.N. 15094 of 2-5-31.

2. Daulatnagar (Gujrat) P. G. N. 1273 of 12-1-32.

Constitution of the town committee.

4. (1) There shall be established for each small town a committee, to be known as the town committee, consisting of such number of members not less than five as the Local Government may fix.

(2) Every such committee shall consist of members elected from the inhabitants of the town in accordance with rules made by the Local Government under this Act, and of members appointed by the Commissioner by name or by office :

Provided that the appointed members shall no exceed one-fourth of the whole.

[Provided further that if any seat on a small town committee is required to be filled by election and a member is for any reason not elected for it, the Commissioner may, fill that seat by appointment.]

(3) The appointment and election of members shall be notified by the Commissioner in the *Punjab Gazette.*

"(4) When a local area, the whole or part of which was a Notified Area, under the Punjab Municipal Act, 1911,is declared to be a Small Town-under Section 3, the notified area committee shall continue in office, and shall, notwithstanding any thing contained in this Act, be deemed to be the Small Town Committee, until the appointment and election of members is notified by the Commissioner in the Gazette under sub-section (3).

(5) The Local Government may at any time cancel or modify any notification issued under this section.

(6) The Commissioner may at any time cancel or modify any notification issued under sub-section (3)

NOTES.

1. For the rules, mentioned in sub-section (2, see notification No. 29388, dated 13th December, 1923. Punjab Gazette, 1923, Part I-A, page 700, as amended by No. 6227, dated 11th March, 1925, Punjab Gazette, 1925, Part I-A, Page 92 and No. 15322, dated 22nd, 1926, Punjab Gazette, 1926, Part I-A, page 291.

2. The second proviso to sub-section (2) was added by Punjab Act, IV of 1925, section 3.

3. Sub-sections 4, 5 and 6 have been newly inserted by

clause (*ii*) of section 3 of the Punjab Municipal and Small Towns Amending Act, 1929 (Punjab Act, IV of 1929) and in exercise of these new powers the Local Government has cancelled the notifications of the constitution of the following small towns :—

Tarn Taran (Amritsar District)—P,G.N. 4335 of 11-2-24 cancelled by P.G.N. 27838 of 29-9-30.

Chak Jhumra (Lyallpur)—P.G.N. 365 of 5-1-24, cancelled by P.G.N. 28849 of 13-10-30,

Election Rules. By virtue of Section 4 (2) and Section 51, the Local Government has framed General Election Rules for the Small Town Committees in the Punjab, published in the P.G.N. 29388 of 13-12-23, as subsequently amended by 3742—A of 5-2-24 ; 4677 of 13-2-24; 2680 of 16-8-24 ; 19815 of 16-8-24 ; 22988 of 21-10-24; 6227 of 11-3-25 ; 9292 of 6-4-25; 15322 of 22-2-26 ; 13506 of 29-4-27; 30035 of 23-11-27 ; 20982 of 25-6-29 and 40070 of 10-12-29, for which see, Ch. I. Book II.

As to what alterations of dates and periods mentioned in R. 6,7,9, 10 and 11, have been made by various Commissioners in their respective Divisions, in the General rules of Elections regarding particular Small Town Committees, see notes on R. 30-A of the rules of General Election, in Chapter I. Book II.

Not Elected for it.—In the second proviso to Sub-section (2), the word "*not elected for it*" imply that an opportunity for holding election shall be given and if there is no candidate for the membership or if for any other reasons no one is elected the Commissioner will have the power to *fill* the seat by nomination. But this will not be done until at least one attempt, will be made to fill the seat by election.

In exercise of the powers conferred by section 4 (1) of the Punjab Small Towns Act, 1922, the Punjab Government are pleased to fix and hereby fix the number of the members both elected and nominated of the following Small Towns, in the districts mentioned against them at a number mentioned therein, by virtue of Notifications mentioned against them :—

District	Small Town	Number of members			Punjab Governments Notification.
		Elected	Nominated	Total.	
Ambala.	Babial	7	1	8	4454 of 7-2-31.
	Kalka	8	2	10	7086 of 7-3-24
	Kharar	6	1	7	3019 of 29-1-24
Amritsar.	Majitha.	6	2	8	14697 of 23-5-24
	Ram Dass	5	1	6	1586 of 15-1-24
	Sultanwind	6	2	8	4332 of 11-2-24
	Tarn Taran	7	2	9	4336 of 11-2-24
Attock	Attock	6	2	8	20842 of 8-9-24
	Fateh Jang	4	1	5	3014 of 29-1-24
	Hussan abdal	6	2	8	3022 of 29-1-24
	Makhad	6	2	8	17322 of 7-5-29
	Tallagang	7	2	9	3028 of 29-1-24
D. G. Khan	Kot chhutta	5	1	6	6718 of 5-3-24
	Taunsa	6	2	8	7076 of 7-3-24
	Vehoa	5	1	6	6722 of 5-3-24
Ferozepore	Dharam Kot	7	2	9	20262 of 14-9-2
	Giddarbaha	5	1	6	6283 of 21-2-28
	Guruharsahai	4	1	5	35106 of 5-11-29
Gujrat.	Daulatnagar	4	1	5	29757 of 18-12-23
	Kharian	5	1	6	6088 of 27-2-24
	Lalamusa	4	1	5	9726 of 29-3-24
	Malakwal	6	2	8	4957 of 14-2-24
	Phalia	4	1	5	6714 of 5-3-24
	Shadiwal	7	2	9	9728 of 29-3-24
Gurdaspur.	Dhariwal	6	2	8	29666 of 11-10-26
	Fatehpur	6	1	7	2302 of 25-1-24
	Narot Jaimal Singh	4	1	5	26225 of 24-11-24
	Qadian	6	1	7	35399 of 30-11-26

District	Small Town	Number of members: Elected	Nominated	Total.	Punjab Governments Notification.
Gujranwala	Srigobindpur	5	1	6	1419 of 14-1-24
	Sujanpur	6	1	7	2306 of 25-1-24
	Hidayatpur Chhaoni	6	2	8	4957 of 14-2-24
Gujranwala.	Akalgarh	6	2	8	19300 of 31-8-25
Gurgaon.	Hafizabad	9	?	12	11850 of 6-5-25
	Qillah Didar Singh.	4	1	5	19304 of 31-8-25
	Pindi Bhattian	5	1	6	11859 of 6-5-25
	Sodhra	6	1	7	11859 of 6-5-25
Hissar.	Budhlada	6	1	7	1582 of 15-1-24
	Jakhal	4	1	5	1412 of 14-1-24
	Kalanwali	4	1	5	3632 of 4-2-24
	Mandi Dabwali.	4	1	5	13206 of 27-2-26
	Tohana	6	1	7	3806 of 5-2-24
Hoshiarpur.	Dasuya	6	1	7	14899 of 27-5-24
	Garhdiwala	5	1	6	15206 of 4-6-24
	Garhshankar.	6	2	8	17774 of 18-7-24
	Hariana	6	2	8	14895 of 27-5-24
	Miani	6	2	8	14903 of 27-5-24
	Mukerian	4	1	5	14799 A 23-5-24
	Una	6	2	8	14701 of 23-5-24
Jhang	Ahmedpur.	6	1	7	6314 of 29-2-24
	Garhmaharaja	5	1	6	6330 of 29-2-24
	Lalian	6	1	7	6318 of 29-2-24
	Shorkot	6	2	8	6310 of 29-2-24
	Wasu Astana	5	1	6	6322 of 29-2-24
Jhelum.	Chakwal	8	2	10	1975 of 18-1-24
Jullundur.	Alowalpur	6	1	7	12485 of 23-4-24
	Nawansbahr	6	2	8	9722 of 29-3-24
Kangra.	Kangra.	5	1	6	13095 of 29-4-24
	Palampur	4	1	5	15890 of 16-6-24
	Nurpur	5	1	6	9732 of 29-3-24
Karnal	Ladwan	5	1	6	9197 of 26-3-24
	Pundri	6	2	8	9722 of 29-3-24
	Radaur	5	1	6	6077 of 27-2-24
Lahore	Ichhra	5	1	6	18315 of 25-7-24
	Kot Rai Buta Mal cum	5	1	6	18323 of 25-7-24

District	Small Town	Number of members. Elected	Nominated	Total.	Punjab Government's Notification.
	Auzamabad Niaz Beg.	5	1	6	18319 of 25-7-24
	Padhana	6	2	8	18311 of 25-7-24
Ludhiana.	Khanna	6	2	8	484 of 7-1-24
	Machhiwara	5	1	6	480 of7-1-24
Lyallpur.	Chak Jhumra	5	1	6	365A of 5-1-24
	Jaranwala	6	2	8	367A of 5-1-24
	Tandlianwala	5	1	6	362A of 5-1-24
	Toba Tek Singh	6	2	8	374 of 5-1-24
Multan	Dunyapur	4	1	5	26219of 24-11-24
	Jalalpur Pirwala	4	1	5	21871½ of30-9-24
	Kabirwala	4	1	5	13713 of 7-5-24
	Kahror	4	1	5	12360 of 22-4-24
	Mailsi	4	1	5	13719 of 7-5-24
	Tulamba	4	1	5	19354 of 13-8-24
Muzaffargarh.	Daira Din Panah	4	1	5	488 of 7-1-24
	Jator	5	1	6	1968 of 18-1-24
	Khairpur	4	1	5	403 of 5-1-24
	Kot Adu	6	2	8	378 of 5-1-24
Mianwali.	Kallur Kot	4	1	5	32363 of 10-11-28
Rawalpindi	Gujar Khan	6	1	7	15896 of16-6-24
Rohtak	Mehm	8	2	10	16748 of 1-7-24
Shahpur	Bhalwal	6	1	7	29842 of19-12.23
	Nurpur	6	2	8	1590 of 15-1-24
	Shahpur Civil Station	4	1	5	29835 of 19-12-23
	Sillanwali	4	1	5	29839 of 19-12-23
Sheikhupura.	Chuharkana	4	1	5	3091 of 30-1-24
	Khangah Dogran	4	1	5	3095 of 30-1-24
	Sangla	7	2	9	3411 of 1-2-24
	Shahdara	6	2	8	3696 of 4-2-24
	Shahkot	4	1	5	3087 of 30-1-24
Sialkot.	Badomahli	4	1	5	2282 of 21-1-24
	Begowala	5	1	6	2294 of21-1-24
	Bhupalwala	5	1	6	2298 of21-1-24
	Chewinda	6	2	8	2263 of21-1-24

District	Small Town	Number of members			Punjab Government Notification.
		Elected	Nominated	Total	
Sialkot	Daska	7	2	9	2270 of 21-1-24
	Daud	5	1	6	2278 of 21-1-24
	Jamke	5	1	6	2259 of 21-1-24
	Kalaswala	4	1	5	2310 of 25-1-24
	Mittranwala	5	1	6	2290 of 21-1-24
	Qillah Sobha Singh	4	1	5	12384 of 9-4-28
	Sahowala	5	1	6	2286 of 21-1-24
	Sambrial	5	2	7	2314 of 25-1-24
	Sankhotra	4	1	5	13958 of 21-4-30
	Zaffarwal	5	1	6	2274 of 21-1-24

In exercise of the powers conferred by Section 4 (2) of the Punjab Small Towns Act, 1922, as rules of the Electoral Rules, the Punjab Government are pleased to declare that for the purposes of election of members of the following town committees, the Small Towns mentioned therein shall be divided into the number of wards men ioned therein, by virtue of notification mentioned against them :—

Small Town	District	wa ds	Punjab Government Notification
Babial	Ambala	7	4455 of 7-2-31
Daulatnagar	Gujrat	4	29758 of 18-12-23
Shahpur Civil Station	Shahpur	4	29836 of 19-12-23
Dillanwali	"	4	29840 of "
Shalwal	"	6	29843 of 19-12-23
Sandilanwala	Lyallpur	5	362-B of 5-1-24
Chak Jhumra	"	5	365-B " "
Jaranwala	"	6	367-B " "
Toba Tek Singh	"	6	375 " "
Kot Adu	Muzaffargarh	6	379 " "
Khairpur Saadat	"	4	404 " "
Machhiwara	Ludhiana	5	481 of 7-1-24
Khanna	"	6	485 " "
Daira Din Panah	Muzaffargarh	4	489 " "

Small Town	District	Wards	Punjab Governments Notification.
Jhakhal	Hissar	4	1413 of 14-1-24
Srigobindpur	Gurdaspur	5	1420 of 14-1-24
Budhlada	Hissar	6	1583 of 15-1-24
Ramdas	Amritsar	5	1587 of 15-1-24
Nurpur	Shahpur	6	1591 of 15-1-24
Jatoi	Muzaffargarh	5	1969 of 18-1-24
Chakwal	Jhelum	8	1976 of "
Jamke	Sialkot	5	2260 of 21-1-24
Chawinda	"	6	2264 "
Daska	"	7	2271 "
Zaffarwal	"	5	2275 "
Daud	"	5	2279 "
Badomahli	"	4	2283 "
Sahowala	"	5	2287 "
Mitranwali	"	5	2291 "
Bagowala	"	5	2295 "
Bhupalwala	"	5	2299 "
Fatehpur	Gurdaspur	6	2303 of 25-1-24
Sujanpur	"	6	2307 "
Kala'swala	Sialkot	4	2311 "
Sambrial	"	5	2315 of 29-1-24
Fateh Jang	Attock	6	3015 "
Kharar	Ambala	6	3019 "
Hassan Abdal	Attock	6	3023 "
Talagang	"	7	3029 "
Shahkot	Sheikhupura	4	3088 of 30-1-24
Chuhar Kana	"	4	3092 "
Khangah Dogran	"	6	3096 "
Sangla	"	7	3412 of 1-2-24
Kalanwali	Hissar	4	3683 of "
Shahdara	Sheikhupura	6	3697 of "
Tohana	Hissar	6	3807 of 5-2-24
Sultanwind	Amritsar	6	4333 "
Tarn Taran	"	7	4337 "
Malkwal	Gujrat	6	4863 of 4-1-29
Hidayatpur Chhaoni	Gurgaon	6	4958 of 14-2-24
Kunjpura	Karnal	6	28825 of 8-11-27
Radaur	"	5	6089 "
Kharian	Gujrat	5	6099 "
Shorkot	Jhang	6	6311 of 29-2-24
Ahmadpur	"	6	6315 "
Lalian	"	6	6319 "
Vasu Astana	"	6	6323 "
Garh maharaja	"	5	6331 "
Phalia	Gujrat	4	6715 "
Kot chhutta	D. G. Khan	6	6719 "
Vehoa	"	6	6723 "

Small Town.	District	Wards.	Punjab Governments Notification.
Taunsa	D. G Khan	6	7077 of 7-3-24
K.lka	Ambala	7	7088 ,,
Pundri	Karnal	5	7171 of 8-3-24
Ladwa	,,	4	9198 of 26-3-24
Shadiwal	Gujrat	7	9729 of 29-3-24
Nawanshahr	Jhullundur	6	9723 ,,
Nurpur	Kangra	5	9732 ,,
Lalamusa	Gujrat	4	9737 ,,
Kahror	Multan	4	12361 of 22-4-24
Alawalpur	Jhullundur	6	12486 of 23-4-24
Kangra	Kangra	5	13096 of 29-4-24
Kabirwala	Multan	4	13714 of 7-5-24
Mailsi	,,	4	13720 of ,,
Majitha	Amritsar	6	14698 of 23-5-24
Una	Hoshiarpu	6	14702 of ,,
Mukerian	,,	4	14799-B of 26-5-24
Hariana	,,	6	14896 of 27-5-24
Dasuya	,,	6	14900 ,,
Miani	,,	6	14904 ,,
Garhdiwal	,,	5	15207 of 4-6-24
Palampur	Kangra	6	15881 of 16-6-24
Gujar Khan	R. Pindi	6	15897 of ,,
Mehm	Rohtak	8	16749 of 2-7-24
Garhshankar	Hoshiarpur	6	17775 of 18-7-24
Padhana	Lahore	6	18312 o 25-7-24
Ichhra	,,	5	18316 ,,
Niaz Beg	,,	5	18320 ,,
Kot Rai Boota Mall cum Azamabad	,,	5	18324 ,,
Tulamba	Multan	4	19355 of 13-8-24
Attock	Attock	4	20843 of 8-9-24
Jalalpur Pirwala	Multan	4	cancelled by 2725 of 24-1-31
Dunyapur	,,	4	26220 of 24-11-31
Narot Jamil Singh	Gurdaspur	4	26226 of ,,
Hafizabad	Gujranwala	9	11851 of 6-5-26
Pindi Bhattian	,,	5	11860 ,,
Sohdra	,,	6	18594 of 19-8-25
Akalgarh	,,	6	19301 of 31-8-25 and 2566 of 25-1-26
Qillah Didar Singh	,,	4	19305 of 31-8-25
Dharam Kot	Ferozepore	7	20263 of 14-9-25
Mandi Dabwali	Hissar	4	13207 of 27-2-26
Dhariwal	Gurdaspur	8	29607 of 11-10-26
Qadian	,,	6	35400 of 30-11-26
Giddarbaha	Ferozepur	6	6283 of 21-2-28
Qillah Sobha Singh	Sialkot	4	12385 of 9-4-28
Kallur Kot	Mianwali	4	32364 of 10-11-28
Makhad	Attock	4	17323 of 7-5-29
Guru Harsahai	Ferozepore	4	35107 of 5-11-29
Sankhotra	Sialkot	4	13959 of 21-4-30

Oath of allegiance. India Act, X of 1873.

[4-A. Notwithstanding anything contained in the Indian Oaths Act, 1873, every person who is elected or appointed to be a member of a small town committee shall before taking his seat take or make, at a meeting of the said committee, an oath or affirmation of his allegiance to the Crown, in the following manner, namely:—

1. A B having been $\frac{\text{elected}}{\text{appointed}}$ a member of this committee do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King Emperor of India, his heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.

Provided that—

(*i*) if any such person omits or refuses to take or make such oath or affirmation, his election or appointment, as the case may be, shall be deemed to be invalid,

(*ii*) in the case of such invalid election the person, if any, who obtained the next largest number of votes from amongst those who failed to secure election shall be deemed to have been duly elected, or if the election was uncontested a fresh election shall be held, or in the case of such invalid appointment the Commissioner shall appoint another person in the manner prescribed in sub-section (2) of section 4, and in such case the proviso to sub-section (2) of section 4 shall not apply,

(*iii*) no person whose election or appointment has been deemed to be invalid

under this section shall be eligible for election or appointment to any small towns committee for a period of two years from the date on which he ought to have taken or made such oath or affirmation.]

NOTES.

1. This section was added by section 4 of Punjab Act, IV of 1925.

2. **Analogous Law.**—This section is analogous to Section 11-A of the Punjab District Boards Act, XX of 1883 and Section 12-A of the P. M. Act, III of 1911.

3. As to how the oath of allegiance is to be adiministered Vide Rule 34-A of the General Election Rules—Chapter I. Book II.

Incorporation of the committee.

5. Every committee shall be a body corporate by the name of the town committee of the small town and shall have perpetual succession and a common seal, with power to acquire property, both movable and immovable, and, subject to the provisions of this Act or of any rules made thereunder, to transfer any property held by it, to contract and to do all other things necessary for the purpose of its constitution and may sue and be sued in its corporate name.

NOTES.

1. **Analogous Law.**—Section 18 of P. M. Act, III of 1911; Section 29, Bengal Act, III of 1884; Section 9 of Bombay Act, III of 1901; Section 6, Madras Act, V of 1900; Section 13, Burma Act, III of 1898; Section 37 of C. P. Act, II of 1922, Section 6 of U.P. Act, II of 1916; Section 12 of B. and O. Act, VII of 1922 and Section 16 of the Punjab District Boards Act, XX of 1883.

2. Nature of a Town Committee.—Every town committee shall—

(1) be a corporate body,

(2) have a perpetual succession, and

(3) have a common seal.

3. Powers of a Town Committee.—The powers of a town committee are:—

(1) to acquire and hold property, movable and immovable,

(2) to transfer such property held by it, and

(3) to contract, and

(4) to do all other things necessary for the purposes of its constitution, and

(5) to sue and be sued in its corporate name.

4. What is a corporation--"Corporation" (from Latin "Corporare," to form into a body, *Corpus, corporis* is an association of persons which is treated in many respects as if it were itself a person. *Aiyangar's Municipal Corporations 2nd Ed. p. 1.* A "corporation" aggregate, says Lord Coke, is only an abstraction and rests only in intendment and consideration of law. It is invisible and immortal, it has no soul ; neither is it subject to the imbecilities of the body. (*Ibid*, p. 3) It must have an identifiable name, must express itself whenever strangers are concerned by its common seal, and belong to definite locality. A modern municipal corporation must have two aspects-one Government and one Quasi-private. In the former it is the agent of the State for local administration and enforcement of its sovereign power. In the latter, it transacts private business for hire, as for instance, when it undertakes to supply to those inhabitants who will pay therefor utilities and facilities of modern life.' (*Ibid* p. 5) A Municipal corporation has been defined by Dillon (Municipal Corporations, Vol. I. p. 59)—*Ibid* p. 6—"as the incorporation, by the authority of Government, of the inhabitants of a particular place or district, and authorising

them in their corporate capacity to exercise subordinate-specified powers of legislation and regulation with respect to their local and internal concerns. This power of Local Government is the distinctive purpose and the distinguishing feature of a Municipal Corporation proper." A corporate name is permanent and can not be changed, *A. W. N. (1908) 165*, when a name is changed, all legal proceedings should be in the new name. (*Colchester Corporation V. Seaber. 1766, 3 Burr. 1866*)

5. The seal — Whenever strangers are concerned, a local authority expresses its will, as general rule, by its common seal. The power to possess and use a seal is incidental to a corporation. The term common seal seems to imply a single seal and not several seals and the corporation has no common law power to change the common seal. *Aiyangar's Municipal Corporations, 1924, p. 12, and Grant, on Corporations.*

6. Contract.—A local body is permitted to contract, within the scope of the constitution of its corporation and not beyond its powers, otherwise the contract is void *ab-initio* and cannot be ratified *Habsbury's Laws of England Vol. 8 pp. 359* etc. The local bodies must not enter into contracts affecting the rights of property situated outside the limits of its corporate boundaries, without express permission of the statutory authority which created it. An officer of a local body is a trustee and may not vote upon a contract in which he is personally interested, but his not taking part is not enough. Where, a supervisor, who is a member of the board, did not vote on the question of his own employment or upon the audit of his own bill, it was held that he is a part of the board of supervisors; it is his act, and he can not, as a supervisor, make a contract with himself as a private citizen, *Beebe V. Supervisors of sullevan Country 64 Hun. (N. Y.) 337, cited in Aiyangar's Municipal Corporation, 1924, 170* Where a statute speaks of "interest" or being "interested," it, in general, but not always means a pecuniary or proprietary interest by which a person will gain or lose something in contradistinction to general sympathy, feeling, or bias. Mere relationship with the contractor does not *per se* affect its validity—*Ibid p.* 170. A member who lends money to the contractor to enable him to perform the contract and takes an assignment of the contract as security, is interested therein

within the statutory prohibition (1883) I Q. B. D. 533. It is a general and fundamental principal of law that all persons contracting with a Municipal Corporation must at their peril inquire into the statutory power of the corporation or its officers to make the contract. See I. L. R. 41 Cal. 518 and 37 C. L. J. R. 589. In a voidable contract without proper authority, the officer concerned would not be personally liable in an action on the contract but would be liable in tort for mis-representation of this authority. 9. W. R. 206.

"May sue or be sued in its corporate name."—Although all the members of the corporate body are regarded as a party to the proceedings. I. L. R. 3 Bom. 146, yet the suit does not become defective, by reason of the death of one of them. 3 Swan. 132, (138), *Aiyangar's Municipal Corporation, p. 772.* All such suits must be in the croporate name of the corporation and not in the name of any of the members or the chairman. (1918) A. W. N. 165; I. L. R. 16 Mad. 295, and I. L. R. 46 Cal. 784. When the suit is instituted in the name of a wrong officer, it is not properly instituted. I. L. R. 2. All. 296.

Perpetual succession.—A municipal board constituted under one Act, does not cease to exist and it continues to be the same when a new Act comes into force. 40 I. C. 700; 15 A. L. J. 530.

Jurisdiction of Civil Courts.—The Courts are competent to enquire and control the action of the District Boards if they have acted in excess or in contravention of their powers under the Act on this subject. See, 24 P. R. 1890 Cr.; 52 P. R. 1900; 35 Cal. 859; 37 Cal. 371; 19 W. R. 309; 26 Cal. 811; 78 P. R. 1901; 12 Bom. 490; 31 C. 516.

Malicious Prosecution.—A suit for damages for malicious prosecution has been held to lie against a municipal corporation. 86 P. R. 1906.

Term of office of members.

6. (1) If a member of a committee is appointed by office, the person for the time being holding the office shall be a member of the committee until the Commissioner shall otherwise direct.

(2) The term of office of all other members shall be three years.

(3) An outgoing member shall, if otherwise qualified, be again eligible for appointment or election.

[Provided that on completion of the term an outgoing member shall, unless the Local Government otherwise directs, continue in office until the election or appointment of his successor is notified.]

NOTES.

1. The proviso was added by section 3 of Punjab Act, XIV of 1926, to sub-section 3 of this section. This proviso corresponds with sub-section (3) of section 13 of the Punjab Municipal Act (III of 1911) and has been enacted to avoid vacancy on the committee and to continue its existence in case no election or appointment takes place after the expiry of the term of office of the members.

Resignation of Members

[6-A (1) Any member of committee who may wish to resign, may forward his written resignation through the president of the committee to the Deputy Commissioner within whose jurisdiction the small town lies.

(2) When the acceptance of the resignation by the Commissioner has been communicated to the committee, the member shall be deemed to have vacated his seat.]

NOTES.

1. This section was newly added by section 4 of Punjab Act, XIV of 1926.

2. This section corresponds to section 15 of Punjab Municipal Act, III of 1911 ; Sec. 27-A of Bengal Act, III

of 1884 ; Sec. 39 U.P. Act. III of 1916 ; Sec. 10 of Burma Act, III of 1898 and Sec. 13 Pb. D.B. Act, XX of 1883.

3. Until the Commissioner of the Division within whose jurisdiction the small town lies, communicates his acceptance of the resignation to the committee concerned the resigning member shall not be deemed to have vacated his seat. The resignation takes affect only from the date of its acceptance and not from the date of the letter of resignation—C.R P. 252 of 1923=(1923) 18 L. W. Note 31. But in this case it takes affect from the date when the acceptance is communicated to the Committee. The resignation binds the giver of it and can not be withdrawn even with the consent of the council. *R. V. Wigam Corporation,* (1885), 14. Q B.D. 908=9 J. P. 372.

Removal of Members.

7. The local Government may remove any member of a committee who is in its opinion unfit to act or persistently remiss in the discharge of his duties as a member [and any person so removed shall not be eligible for election or appointment as a member of a committee for a period of five years from the date of his removal.]

NOTES.

1. The words in brackets were added by Punjab Act, No. IV of 1925, section 5.

2. Analogous Law.—Sec. 16 P.M.A. III of 1911, Secs. 20 and 22 Beng. Act, III of 1884 ; Sec. 16 Bom. Act, III of 1901 ; Sec. 11 Burma Act, III of 1898, Secs. 35,36, B. and O. Act, VII of 1922 and Sections 40 and 41, U P. Act, II of 1916 and Pb. D.B. Act, XX of 1883, Sec. 14.

3. Unfit to act.—A member of the Gojra Municipal Committee was ordered to find security under section 108 Cr. P.C. but in default of finding which he was sentenced to one year's simple imprisonment. In the opinion of Government, this implied such a defect of character which made him unfit to be a member of the said committtee and was consequently removed from membership—P.G.N. 7153 of 4-3-31.

In the following town committees a member was found unfit to Act :—

(1) Jaranwala (Lyallpur)—P.G.N. 28281 of 6-10-30.

4. **Persistently remiss in the discharge or his duties.**—In the following town committees, a member was found persistently remiss in the discharge of his duties as a member :—

(1) Jalalpur Pirwala (Multan)—2663 of 21-1-29.

(2) Dasuya (Hoshiarpur)—32684 of 7-11-30.

5. **Illegal and unjustifiable removal.**—The Secretary of State for India in Council is liable for damages for illegal and unjustifiable removal, and in such a case, it will be on the defendant to prove that the plaintiff was rightfully removed. 7 Mad. 466 F.B.

6. This section does not provide for the calling of an explanation by the Local Government from the member concerned. Therefore, it follows that the Local Government, has power under this section to remove a member of a small town committee, without calling for an explanation from him. But the Local Government can remove a member for either of the two reasons given in this section and for no other reasons.

7. **Unruly member.**—In pursuance of rule 15 of the Small Town Business Rules, 1924 (Vide Chapter III of Book II.), a chairman of the meeting of a small town committee has been empowered to name any unruly member for report to Government with a view to action being taken under section 7 of this Act.

Procedure for filling casual vacancies.

8. Upon the death, resignation or removal of any member his place shall be filled by appointment or by election according as such member was an appointed or elected member. The term of office of a member so appointed or elected shall be the unexpired portion of the term of office of the member in whose place he has been appointed or elected.

NOTES.

Analogous Law.—Sec. 15 Pb. Distt. Boards Act, XX of 1883 and sec. 17 Pb. M. Act, III of 1911.

Resignation—means resignation accepted under Sec. 6-A of this Act.

Removal—means removal by the Local Government under Sec. 7 of this Act.

Election or appointment of President and Vice-President.

9. (1) The committee shall elect one of its own members to be President subject to the approval of the Commissioner :

Provided that in case of the Commissioner's refusal to accord approval, the matter shall be referred to the Local Government for decision.

(2) A committee may also elect one of its members to be Vice-President.

(3) The term of office as President or Vice-President of every member nominated or elected as such shall be the remainder of such member's term of office as a member.

NOTES.

Whether in which cases, the Commissioner will refuse to accord his approval, is not mentioned in the Act. As to the procedure to be followed by the Committee, at the election of President or Vice-President, vide.Ch. I, Book II.

The term of office of both President or Vice-President has been provided by this section to be the remainder of such member's term of office as a member. It simply means that it can not be more than 3 years and the member concerned will cease to be a President or Vice-President, as soon as he would vacate his seat, whether on account of the

expiry of his term of office as a member, or by resignation or r emoval.

Conduct of business.

10. Every committee shall meet at least once a month for the transaction of business. The President or in his absence the Vice-President shall preside as Chairman at all meetings, and if there be no President or Vice-President present, then such one of their number as the members present may elect shall preside as Chairman. The Chairman of the meeting shall have a casting vote in the event of the votes of the members present being equally divided on any question which may come before the meeting.

NOTES.

Although it has been made obligatory for the committee to meet at least once a month for the transaction of business, yet it has not been provided whether what would be the consequences, in other words penalty, in case the committee does not meet during the course of a month.

In cases when in the absence of the President, the Vice-President and in the absence of both the President and the Vice-President, any one of the members present, presides as a chairman of the meeting and the President or the Vice-President, as the case may be, later on turns up in the meeting, after the chairman has taken the chair, it is not incumbent upon the then chairman to vacate the chair for the President or the Vice-President, though the chairman is morally bound to vacate the chair for either of the permanent chairmen.

Casting Vote.—Whenever there is an equall division of votes of the members present in the meeting, on any question then in issue, the chairman, shall have a casting vote. It means that the chairman will have the right to give two votes, one of which he must have exercised before the use of the casting vote. If the chairman does not exercise his original vote and remains neutral in the first instance and there

is an equality of votes of the other members present, the chairman will have the right to vote, once only and on which side he will give his casting Vote, will decide the matter in issue. In any case his casting vote is decisive in case of equality of votes on a point in issue. The chairman ought to exercise his casting vote on the side for which he originally voted, but there is no provision to compel him to do so. As it is not compulsory, under this section, for the chairman to exercise his casting vote, because this section gives him a right to have a casting vote, only therefore, if the chairman does not exercise his either original vote or his casting vote, then there is nothing in the Act to compel him to exercise his either original or casting vote. In such a case, if there is an equality, and the chairman does give casting vote, the original proposal is deemed to be lost. It is often the practice for the chairman to give his casting vote against the motion. As to who should convene a meeting, see rule 1 of the Small Towns Business Rules, 1924, mentioned in Chapter III of Book II.

Employment of officers and servants and powers of the Deputy Commissioner to require dismissal

11. A committee shall employ such officers and servants at such remuneration if any as may be necessary for the efficient execution of its duties :

Provided that -

(1) if in the opinion of the Deputy Commissioner, for reasons to be stated in writing, any officer or servant employed by the committee is unfit for his employment the committee shall on the requirement of the Deputy Commissioner dismiss him.

(2) if in the opinion of the Deputy Commissioner, for reasons to be stated in writing, the number of persons employed by a committee or the remuneration assigned by the committee to those persons is excessive, the committee shall

on the requirement of the Deputy Commissioner reduce the number of those persons or the remuneration, as the case may be.

NOTES.

Analogous Law.—Section 39, 41, 42 of P. M. Act, 1911.

Penalties for certain classes of servants

12. (1) Any sweeper employed by a committee who, in the absence of a written contract authorising him to do so and without reasonable cause, absents himself from his duties or resigns his employment without giving one month's notice to the committee, or who neglects or refuses to perform his duties or any of them, shall be liable to fine which may extend to twenty rupees or to imprisonment which may extend to two months.

(2) The Local Government may by notification direct that on and from a date to be specified in the notification the provisions of sub-section (1) with respect to sweepers shall apply also to any specified class of servants employed by a committee whose functions intimately concern the public health or safety.

Analogous Law. – Section 45 (3) and (4) of P.M. Act, 1911.

In the following town committees, the Local Government, has, by the notifications written against them, directed that the provisions of sub-section (1) of this section with respect to sweepers, shall apply also to :—

1. Water carries and Chaukidars, including dafadars of chaukidars,

P. G. Notification.

Baddomali—19642 of 4-6-29.

Fatehjang—28021 of 3-10-30.

II. *Watter carriers (including Jemadar of water carriers) and chaukidars (including the daffadar of such chaukidars),*

P. G. Notification

Garhshankar—436 of 7-1-30

Jamke—2086 of 21-1-30

Majitha—6878 of 2-3-30

Padhana—21339 of 28-6-29

III. *Water works engine-drivers and other employees of the waterworks and to the chaukidars, bhishties, refuse cartmen, water-ratemen and the members of the drain cleaning staff.*

P. G. Notification

Sangla—28878 of 17-9-29

Tandlianwala—10183 of 30-3-26

IV. *Water carrier employed by the town committee, Bhisties and refuse cartmen.*

P. G. Notification

Toba Tek Singh—16041 of 31-5-27

V. *water cartmen, bhisties, beldars employed on water supply.*

P. G. Notification

Tarn Taran—21883 of 31-7-26.

VI. *Chaukidars and bhisties employed by the S.T. Committee.*

P. G. Notification

Dhariwal—16374 of 6-5-30

Mitranwali—21794 of 16-7-30

Establishment of provident fund

13. A committee may, subject to such conditions as the Local Government may prescribe, establish a provident fund and compel all its officers and servants in receipt of a salary of not less than twenty rupees a month to contribute thereto.

NOTES.

Analogous Law.—Section 43 (*2*) (*c*) of P.M. Act, 1911.

Powers of committees as to the conditions of service of officers and servants.

14. (1) A committee may grant to its officers and servants leave, absentee and acting allowances and gratuities on retirement, subject to any rules which the Local Government may make in this behalf.

(*2*) Subject to any rules which the Local Government may make in this behalf, a committee may suspend or dismiss any of its officers or servants.

NOTES.

Analogous Law.—Section 43(*2*) of P.M. Act, 1911 is practically analogous to clause (1) of this section.

Delegation.—A committee may delegate its powers under this section to its President or Vice-President-Section 42.

As to the dismissal of medical staff of the town committee, see rules, embodied in Chapter IV of Book II.

CHAPTER III.

THE TOWN FUND AND PROPERTY.

Constitution of the town fund.

15. There shall be formed for each small town a town fund, and there shall be placed to the credit thereof—

(*a*) all sums received by or on behalf of the committee under this Act or otherwise ;

India Act, V of 1861 India Act, XI of 1890

(*b*) all fines realised in cases in which prosecutions for offences committed within the limits of the small town are instituted under this Act, or the rules thereunder, or under section 34 of the Police Act, 1861, or under the Prevention of Cruelty to Animals Act, 1890, or under any other Act or rules made under it in which provision is made for the credit of such fines to a town fund ;

(*c* where the small town has been established instead of a notified area, the balance, if any, standing to the credit of the fund of the notified area.[1]

NOTES.

1 The words" as the case may be " were omitted by Punjab Act, No IV of 1925, section 6.

Analogous Law.—Section 51. P.M. Act. 1911.

Appointment of the town fund.

16. Subject to any rules which the Local Government may make in this behalf the town fund shall be under the

control of the committee and may be applied to—

(*a*) the re-payment of the principal and interest of any sum advanced as a loan by the Local Government to the committee for the purposes of the Act ;

(*b*) the payment of the salary, allowances and gratuities on retirement of the establishment entertained by the committee under this Act, and of any contributions to a provident fund established under section 13 which the rules regulating such provident fund may require ;

(*c*) the payment of expenses incurred in the the maintenance of public roads within the limits of the small town not being roads of which the maintenance is undertaken by the Government or by the District Board ;

(*d*) the payment of expenses incurred in the maintenance of buildings, the property of or vested in the committee ;

(*e*) the payment of expenses incurred in providing for the supply, storage and preservation from pollution of water for the use of men or animals ;

(*f*) the payment of the expenses incurred in carrying out the sanitation, drainage, lighting and generally in the improvement of the small town or in promoting the education, safety, health, welfare or convenience of the inhabitants of the small town ;

(*g*) the payment of any other charges which the Local Government may declare to be charges to the payment of which the town fund may or shall be applied.

NOTES.

This section is analogous to a certain extent to section 52 of the P. M. Act, 1911. The Towu fund's application is limited to the matters mentioned in this section. Clause (*f*) is a very general one and many useful purposes not specially mentioned, can be covered by this clause. Clause (*g*) empowers the Local Government to declare the payment of any other charges to which the town fund may be applied. Mis—application of the town fund to a purpose not mentioned expressly or impliedly is *ultra-vires* and may be restrained by injunction. I .L.R. 22 Bom. 646. A suit to try the question whether the proposed expenditure was or was not illegal is maintainable at the instance of a tax—payer. 22 Bom. 616.

In exercise of the power conferred by Clause (*g*) of this section, the Punjab Government are pleased to declare that the expenditxre incurred by the town committees in the Punjab. on the following matters, shall be a fit charge on the Town Fund :—

1. The audit of the accounts of a Town Committee, shall be a charge to the payment of which the Town Fund shall be applied—P.G.N. 18547 of 29-7-24.

2. The lepers sent to public asylum from a small town P. G. N. 6230 of 11-3-25.

3. The payment by town committees of contributions towards the cost of arrangements at Health Weeks held in the District in which the small town is situated is a charge to the payment of which the town fund may be applied. P.G.N. 17759 of 24-6-27.

4. Contribution towards the Red Cross Society

are charges to the payment of which the town funds of town committees may be applied. P.G.N. 31698 of 5-12-27.

5. The expense of maintaining in public asylums pauper lunatics who were permanent rsesidents of a small town and pauper lunatics the place of whose permanent residence is not known and were sent to a public asylum from a small town, is a charge to the payment of which the town fund of the small town concerned shall be applied P. G. N. 31705 of 5-12-27. P.G.N. 12088 of 19-4-27 is cancelled

6. The expenses incurred by a town committee on the disposal of the dead bodies of paupers found within the boundaries of the small town, are charges to the payment which the town fund shall be applied. P.G.N. 31716 of 5-12-27.

7. Subscriptions not exceeding fifty rupees per annum made by any town committee in the Lyallpur district to the Coronation Library at Lyallpur are charges to the payment of which the funds of the town committees concerned may be applied. P.G.N. 26651 of 18-9-28.

8. The expenditure incurred by town committees in the Punjab on the reception of His Excellency the Governor, Members of the Executive Council of the Governor and the Ministers of the Punjab shall be a charge to the payment of which the town fund may be applied provided that expenditure on such receptions shall not include expendid ture on garden parties, fireworks or bands an further that expenditure in excess of fifty rupees on any such occasion shall not be incurred without the previous sanction of the Deputy Commissioner. P.G.N. 35691 of 4-12-28.

9. The expenditure incurred on journeys of indigent persons from a small town to the Pasteur Institute of India at Kasauli, or to the nearest anti-rabic centre at any place in the Punjab other

than Kasauli for the purposes of under-going anti-rabic treatment, and on return journeys from the said Institute or centre, and on the maintenance of such persons during the period of treatment, is a charge to the payment, of which the town fund of the small town concerned shall be applied. P. G. N. 1498 of 12-1-29.

Custody of the town fund.

17. (1) In place where there is a Government treasury or sub-treasury the town fund shall be kept in such treasury or sub-treasury.

(2) In places where there is no such treasury or sub-treasury, the town fund may be [kept in a Government treasury or sub-treasury at any other place in the district or]deposited with any banker or person acting as a banker who has given such security for the safe custody and repayment on demand of the fund as the Commissioner may in each case consider fit, or such other arrangement may be made for its safe custody as Local Government may in each case approve.

NOTES.

1. The words in brackets " kept in a Government treasury or sub-treasury at any other place in the district or' were inserted by section 5 of Act, XIV of 1926, in sub-section (2) of this section. Before the amendment the town fund could not without the permission of the Local Government be deposited in a treasury not situated within the limits of the small town. Now town fund can be deposited in any treasury or sub-treasury situated in the district.

Investment of the town fund.

18. The committee may invest or may deposit in a Bank any portion of the town fund in any manner which the Local Government may approve.

NOTES.

The manner in which the committee may invest or may deposit in a Bank any portion of the town fund, has been mentioned in Rules 57 to 60-A of the Small Towns Accounts Rules, 1923,—for which, see, Chapter II, Book. II.

Property vested in the committee.

19. Subject to any special reservations made or to any special conditions by the Local Government, the following property shall vest in and be under the control of the committee, that is to say—

(*a*) all land or other property transferred to the committee by the Secretary of State for India in Council for local public purposes, and all public streets; [not being streets or roads in the charge of the Public Works Department.]

(*b*) where the small town has been established instead of a notified area, all property [not being streets or roads in the charge of the Public Works Department] previously vested in the notified area, or such portion thereof as the Local Government may direct;

(*c*) all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind, or dead bodies of animals, collected by the committee from the streets, houses, privies, sewers, cesspools or elsewhere.

NOTES.

1. The words "not being streets or roads in the charge of the Public Works Department" were added at the end of clause (*a*) and between the word " property " and " previously", in clause (*b*) of this section, by section 6 of Punjab Act, XIV of

1926. This amendment has been given retrospective effect by section 10 of Punjab Act XIV of 1926, which reads as follows:—

" The amendment made in the said Act by section 6 shall have effect as if they had been made on the seventh day of May 1923, provided that this Act shall not in any way operate to extinguish any right lawfully acquired from a town committee after the commencement of the said Act. "

Acts of Legislature are geneally prospective and not retrospective in their effect unless they are especially declared to be so —vide 29 All. 74 (F. B.).

2. This section corresponds to section 56 of the Punjab Municipal Act, which vests more property to the Municipalities than the property vested by this section to the Town Committees. It has been found by experience that the town committees neglect the upkeep of the Public Works Department's roads and streets. Therefore this amendment has been enacted with a view to make the town Committees to keep such roads and streets in proper order.

Skins of animals. The skins of dead animals in the streets, houses, privies, sewers, cesspools or elsewhere in a " Small Town " whether collected by the Committee or not shall be dealt with in accordance with the Custom that existed in the area before its constitution as a Small Town. P. G. N. 20115 of 26-8-24.

Collected by the town committee. All the things mentioned in clause (*c*) become the property of the Small Town Committee, only when the Committee collects them from the streets, houses, privies, sewers, cesspools or elsewhere. Collection by the committee vests its ownership in the Committee.

Conditions on which Government property may be transferred to committee.

20. Where any immovable property is transferred otherwise than by sale by the Local Government to a committee for public purpose, it shall be deemed to be a condition of the transfer unless specially provided to the contrary, that,

should the property be at any time resumed by the Government, the compensation payable therefor shall, notwithstanding anything to the contrary in the Land Acquisition Act, 1894, in no case exceed the amount, if any, paid to the Government for the transfer, together with the cost or the present value, whichever shall be less, of any buildings erected or other works executed on the land by the committee.

India Act, I of 1894.

NOTES.

Analogous Law.—Section 52 (2), P. M. Act, 1911.

CHAPTER VII.

TAXATION.

Taxes which may be imposed.

21. Subject to any rules which the Local Government may make in this behalf, and in accordance with the other provisions of this Act, the committee may impose any one or more of the following taxes: —

(*a*) A town-rate in the form of a tax —

(*i*) upon all owners or occupiers of houses or lands within the limits of the small town assessed according to the annual value of such houses or lands: provided that if any land is assessed to the local [rate] under the Punjab District Boards Act, 1883, the amount of the rate so assessed shall be deducted from the tax assessed on such land under this section;

India Act XX of 1883

(*ii*) upon all residents of the small town assessed according to their circumstances: provided that the amount assessed on any one person according to his circumstances shall not exceed Rs. 7-8-0 per month in any one small town.

Explanation.— A person whether he be a Government servant or not shall be considered to be a resident of a small town if he resides or carries on business or works

for gain or practices any profession or art within the limits of the small town : provided that no woman, or child under the age of 21 years not being the owner of a house or land within the limits of a small town, shall for the purposes of this section be deemed to be the resident of a small town.

(*b*) A tax upon persons including Government servants who practise any specified profession or art or carry on any specified business, trade or calling in the small town.

(*c*) A tax payable by the owner on all or any vehicles, animals used for riding, draught or burden, or dogs when such vehicles or animals or dogs are kept within the limits of the small town : provided that no tax shall be payable on vehicles or animal used mainly for agricultural purposes.

NOTES.

1, For Accounts Rules, see P.G.N. 25432 of 3-11-23, as amended by P.G.N. 14117 of 5-6-1925, P.G.N. 19612 of 4-9-25 and P.G.N. 23863 of 5-11-25—Chapter II of Book II.

2. Substituted for the woids "rates" by Punjab Act, No. IV of 1925, section 7.

Power of Taxation.—Without the previous sanction of the Loeal Government a town committee can impose only any one or more of the taxes mentioned in this section and that too subject to the rules framed by the Local Government in this behalf. There are only three kinds of taxes which can be imposed by a committee without the previous sanction of the Local Government—(*a*) a town rate, on all owners and occupiers of house or lands and residents of the small town (*b*) a tax upon persons of particular profession, art, business, trade or calling, and (*c*)

a tax payable by the owner of vehicles, animals dogs kept within the limits of small town, unless used for agricultural purposes. A town committee cannot impose any other tax without the sanction of the Local Government —*Vide Sec. 22 of this Act.*

Rules.—The Local Government has framed rules under this section for which see, Ch. II Book II.

"**Annual Value**" means "the gross annual rent at which any house or land may reasonably be expected to let from year to year." Sec 2 (*a*) of this Act.

"**House**" includes any shop, warehouse, factory, office or business premises. " Section 2 (*b*) of this Act.

Local rates.—The "local rate" is defined in Sec. 6 of the Punjab District Boards Act, XX of 1883 and as to how the proceeds of the local rate levied within the limits of a town committee in each district, shall be appropriated, is mentioned in the Proviso to Sec. 9 of the Punjab District Boards Act, 1883. As to the Local Rate Rules, 1926, Vide P. G.N. 3917 of 8-2-26, as amended by P.G.N. 29883 of 22-10-30.

Resides or carries on business.—Resides means living permanently, though short absence would not take away the character of residence. Carrying on business does not imply residence also because a person or a company may carry on a business at a place without residing there at. As a proof of residence there must be a house, owned or rented as a proof of business there must be an office or place of business, but it is possible for a broker or commission agent, for instance, to carry on business, in, say, Gujarkhan, without residing thereat or having any office of business, because a broker who goes from shop to shop and practices his profession of a broker can very well return to a neighbouring village in the evening and residel therein.

A woman or a child—Unless a woman or a child under 21, is an owner of any land or house, situated within a small town limit, neither shall be deemed a resident of a Small Town. In other words neither shall be taxed under this Act, unless they

own a land or a house. But if they are occupiers of any land or house then too they are exempt from being taxed.

Vehicle.—Vehicle includes also motor vehicles, notwithstanding that they are taxed by the Local Government under the Punjab Motor Vehicles Taxation Act, IV of 1924. Under Section 13 (3) of this aforesaid Act, as amended by Section 2 of the Punjab Act, X of 1925, any tax on motor vehicles, imposed by a municipality or a cantonment authority, is accounted for and a rebate for half the amount is given when this Provincial tax is realised. But there is no prohibition of the imposition of any tax by a Small Town Committee, payable by the owner of vehicle kept within the small town. On the other hand it may be argued that if motor vehicles could have been taxed by a Small Town Committee, there would have been a provision in Sec. 13 (3) of the Punjab M.V. Taxation Act, IV of 1924 as amended by Punjab Act, X of 1925, exempting owners of vehicles of Small Town Committee to the extent of half the amount paid on account of Small Town Committee Vehicle tax, as has been provided for, in the case of Municipality or Cantonment Authority, as stated above. But this argument does not hold good. A motor is a vehicle and if it is kept in a Small Town Committee's limits, there is no reason why it should not be taxed by the committee under clause (*c*) of Sec. 21 of this Act.

If it is intended that unlike a Municipality or Cantonment Authority, a Small Town Committee should be debarred from taxing Motor Vehicles, there should be an express provision in the Punjab Small Town Act, prohibiting the Committees from taxing such vehicles.

Legality of tax on professions etc—If the method of assessment of a tax in reality makes the tax one on incomes, it is illegal and *ultra vires* even though it purports to be a tax on persons practising a profession or carrying on a trade or calling. The tax which can be imposed without the sanction of the Governor-General in Council on professions, trades or callings must be one which is not a second tax on the incomes of such persons, *i. e.* it must be a flat rate imposed by the tax on such profession, trade or calling or rather on all persons practising a particular profession or carrying on a particular trade or calling. *District Poard Sialkot V. Sultan Mohammad Khan*, 106 I. C. 882.

A *Haisiyat* tax, which is not fixed at a flat rate for each profession but which varies according to the income of the assessee is in substance a tax on the income and cannot be imposed by a local body without the previous sanction of the Governor-General in Council. *Dasondhi V. Emperor.* 107 I. C. 601, foll. 106 I. C. 882.

Jurisdiction of Civil Court to determine legality.—A Civil Court has jurisdiction to determine whether the imposition of a tax is illegal or *ultra vires* and to give relief if it has been levied from persons who for that reason are not liable to pay the same. 106 I. C. 882, foll. 73 I. C. 785=4 Lah. 256=Lah. L. J. 509=A. I. R. 1924 Lah. 147 and 44 I. C. 910=74, P. W. R. 1918.

Specified profession, art, business, trade or calling.—A profession is defined as " the occupation, if not mechanical, agricultural, or the like to which one devotes himself ; the business which one professes to understand and to follow for subsistence ; calling ; vocation, and employment."—*Websters Dictionary.* A Tahsildar is not a person exercising a profession or carrying on a trade or calling. *Pala Ram V Notified Committee* (1923) 4 Lah. 256. So also a District Munsif. *Committee of Notified Area Una V. Chatar Behari* (1918) 44 I. C. 910. But in view of these decisions Government servants have been specially included now. The income derived by a spiritual leader from offerings made by his desciples is income derived from a profession or calling. *Moti Singh V. President of the Notified area Committee of Anandapur,* (1922) 68 I. C. 996. *Trade* means traffic, commerce or exchange of goods for other goods or for money—*Wharton.* Making it a business to sell the produce of his own land for profits is trading, provided the sales are couducted in a shop or place of business—17Mad 100. The business of investing the funds of a society is a calling. 11 Mad. 253. Where a wine merchant carried on business in France and had a firm in England as his sole agent for receiving and forwarding orders to him in France. He exercised his discretion as to accepting the orders and forwarded consignment to the accepted customers direct. It was held that no trade was exercised within the United Kingdom. *Grainger and son V. Gough* (1896) A.C. 325. This was followed by (1908) A C. 46 & (1924) 1. K. B. 304. But see 33 Mad. 82=5 I.C. 44. The fact of keeping an office for the purposes of receiving his clients, giving, them advice or being generally open to engagement as a pleader,

will all constitute the carrying on of a pleader's profession. *Chairman of Howrah Municipality V. Barada*, (1919). 31 C. L. J. R. 127=6 L. S. G G R. 17. Where a contractor lived in one place and drew moneys there, but the contract was performed at another place it was held that the contractor was exercising his profession within the former place, 8 Mad. L.J.R. 73. The investment for interest of the funds of a Mutual Insurance Company by its directors constitutes 'carrying on business for gain." 11. Mad. 238. An insurance agent employed to canvass and take orders for another person with no power to make contracts, the latter person cannot be said to carry on any business within the Municipality. 24 Mad. 205, see, 22 Cal. 58 ; 21 Mad. 5. A joint stock company carrying on money lending business through agents carries on business, even though it has no registered place of business within the municipal limits—25. Cal. 483. When a person exercises the same profession in more than one municipality, special provision is made in his case. 13 Mad. 78, 15 Mad. 153. If the businesses are different, he can be taxed in both the municipalities. 17 Mad. 100. Exemption can be claimed only when the tax is paid to Municipality. (1908) 4 Mad. L.T.R. 477. The word 'person' includes any company, association—*General Clauses Act* and see also, 29 Mad. 477 (F B)

Vehicles and Animals.---A tax that is paid runs with the particular vehicle or animal and not for any vehicle or animal that the assessee may possess. Therefore if an assessee is taxed for a bullock which dies afterwards and he buys another bullock, he is bound to pay tax for the second time. 8 Mad. 327. Unless there is a provision to the contrary. A vehicle or animal cannot be taxed for being used in a Town Committee unless it is kept within the Town Committee. 22 Bom. L.R. 1104=6 L S.G G.R. 115 A vehic'e under repair and therefore, unfit for immediate use is a vehicle kept within the municipality and liable to be taxed. 40 Mad. 345. A motor car is a vehicle or carriage. 25. C W.N. 21. and would include a motor, cycle. (1914) 1. K B. 51 Immature animals not used for riding drought or burden should not be taxed. A vehicle used solely for the conveyance of children should be exempted from tax and the fact that it is capable of being used for any other purpose as well, does not deprive it of the exemption. *Cook* V. *Hobbs* (1911) 1. K.B. 14.

Taxes which may be imposed with sanction of Government.

22. The committee may impose.—

(*a*) with the preivous sanction of the Local Government, any tax scheduled as exempted from the provisions of sub-section (3) (*a*) of section 80-A of the Government of India Act by rules made under the said Act.

(*b*) with the previous sanction of the Governor-General in Council any other tax.

NOTES.

Besides the three kinds of taxes mentioned in section 21 of this Act, a town Committee may impose, but with previous sanction of the Local Government, any tax scheduled as exempted from the provisions of sub-section (3) (*a*) of section 80-A of the Government of India Act by rules made thereunder. These rules were published as " Shedule Taxes, Rules " in Government of India Notification No. 3115, dated 16-12-20, as amended by Government of India, Department of Education, Health and Lands Local-Self-Government, Notificaficaion No. 7, dated 24-1-24. The following extracts from these rules are relevant :—

"3. The Legislative Council of a province may, without the previous sanction of the Governor-General in Council, make and take into consideration any law imposing or authorizing any local authority, to impose for the purpose of such local authority, any tax included in Schedule II to these rules.

"4. The Governor-General in Council may at any time by order make any addition to the taxes enumerated in Schedules I and II to these rules.

"5. Nothing in these rules shall affect the right of a local authority to impose a tax without previous sanction of the Local Government, where such right is conferred upon it by any law for the time being in force."

SCHEDULE II.

(In this schedule the word 'tax' includes a cess, rate, duty or fee).

1. A toll.

2. A tax on land or land values.

3 A tax on buildings.

4. A tax on vehicles and boats

5. A tax on animals.

6. A tax on menials and domestic servants.

7. Anoctrio.

8. A terminal tax on goods imported into or exported from a local area save where such tax is first imposed in a local area in which an octroi was not levied on or before the 6th July, 1917.

9. A tax on trades, profession and callings.

10. A tax on private markets.

11. A tax imposed in return for services rendered, such as—

(*a*) a water rate,

(*b*) a lighting rate,

(c) a scavenging, sanitary or sewage rate,

(*d*) a drainage tax,

(*e*) fees for the use of markets and other public conveniences".

Legality of tax on profession, trades or calling.—See notes on section 21 of this Act.

Any other tax.—The committee, with the previous sanction of the Governor-General in Council, can impose any other tax not mentioned in clause (*a*) or section 21 of this Act.

Preparation of assessment list in case of town-rate on buildings and lands.

23. (1) Every committee which decides to impose a town-rate in the form of a tax upon the owners or occupiers of houses or lands within the limits of the small town, under section 21 *(a) (i)* shall, subject to such rules as the Local Government may make in this behalf, as soon as may be, prepare an assessment list of all houses or lands according to the annual value of which the tax is to be imposed.

(2) Every assessment list prepared under sub-section (1) shall contain the following particulars:—

(a) A description of the property sufficient for its identification ;

(b) The name of the owner or occupier; and

(c) The annual value of the property.

NOTES.

1. For the Rules, see notes under section 21.—The Punjab Small Towns Account's Rules, 1923, Chap. II. Book. II.

2. This section lays down the procedure in case of levying town-rate on buildings and lands.

Preparation of assessment list in case of town-rate on residents.

24. (1) Every committee which decides to impose a town-rate in the form of tax upon all residents of the small town assessed according to their circumstances, under section 21 *(a) (ii)* shall, subject to such rules as the Local Government may make in this behalf, as soon as may be, prepare an assessment list of all residents of the small town.

(2) The tax shall be assessed in the following manner. For each person liable to assessment a unit, to be called the assessment unit, shall be fixed, the amount of which shall indicate the relative tax-paying capacity of such persons in camparison with other assessees. The total amount payable by any assessee will then be his assessment unit multiplied by a given factor which shall be the same for all assessees and shall be determined as hereinafter provided with reference to the total amount to be raised from the tax.

(2) Every assesment list prepared under sub-section (1) shall contain in the following particulars :—

(*a*) the names of the persons upon whom the tax is to be imposed ; and

(*b*) the amount of assessment unit at which each such person is assessed.

NOTES

1. For the rules, see notes under section 21.—The Punjab Small Towns accounts Rules, 1923, Chapter II, Book II.

2. This section provides for the procedure in the case of levying of town-rates on residents.

Publication of assessment lists and provisions with regard to objections and appeals

25. (1) A copy of every assessment list prepared under section 24 shall be posted at the place of the committee in a position accessible to the public and such posting shall be proclaimed by beat of drum.

(2) Any person whose name appears on an assessment list may, within 30 days of the date on which the copy of such list was posted under

sub-section (1), make objection in writing to the committee against the assessed annual value of his property or against his name appearing as the owner or occupier of any property, or against the amount of the assessment unit at which he is assessed. The committee shall consider any such objection received by the due date, and, after hearing the objector or his authorised agent, shall record such order on the objection as it may think fit.

(3) Any person who has made an objection under sub-section (2) and is dissatisfied with the order passed thereon by the committee may, within 15 days of the date of the pronouncement of such order, appeal against such order to the Deputy Commissioner, whose decision on such appeal shall be final: provided that for sufficient cause shown the Deputy Commissioner may hear an appeal preferred after the lapse of 15 days from the date of the pronouncement of such order.

(4) The Deputy Commissioner may delegate his powers under sub-section (3) to any Assistant Collector of the 1st grade.

(5) No court-fee shall be payable on an appeal presented under sub-section (3) of this section.

NOTES

Copies of assessment lists prepared under section 23 or 24 shall be posted at the place where committee meets in a position accessible to the public and such posting shall be proclaimed by beat of drum. Any person entered in the list may, within 30 days of the date of such posting, object in writing, to the committee, aga nst.—

(*i*) the assessed annual value of his property, or

(*ii*) his name appearing as the owner or occupier of any property; or

(*iii*) the amount of the assessment unit at which he is assessed.

The Committee shall consider the objection received within 30 days of the date of posting of the list only and make proper order after hearing the objector or his agent. Within 15 days of the pronouncement of such order by the committee, a dissatisfied objector may appeal to the Deputy Commissioner without paying any court-fee on the appeal present. The Deputy Commissioner cr Assistant Collector 1st Grade to whom powers under sub-section (3) will be delegated by the Deputy Commissioner, may, for sufficient reasons, hear the appeal, preferred even after 15 days. However the decision of either shall be final.

The appeal should be preferred within the period provided therefor. Where a period is prescribed within which an appeal is to be prefeired, the period will be counted from the *date of the communication of the decision* to the aggrieved party. A decision cannot be said to be passed, until it is in some way communicated to the party affected by it. *Annamalai V. Cloete* (1883). I.L.R. 6 Mad 189; *Seshamma V. Saukara* (1889) I L.R. 12 Mad. 1. *The Secretary of State. V. Narayanassami Naidu* (1910). 8 Mad. L T.R. 310. Notice of the date when orders are passed on appeal should be given. If no notice is given, then the date on which the appellant is served with notice of the order will be the date from which limitation will begin to run for filing an appeal. *Dawoodji and Sons V. Muuicipal Commissioner of the City of Rangoon*, 1923) I.L.R. 1 Rang. 220.

Period for which assessment lists shall remain in force and provisions for amendment of assessment lists.

26. (1) Every assessment list prepared under section 23 or 24 and modified in accordance with any orders that may be passed under section 25 shall remain in force for a period of five years provided that the committee may at any time amend an assessment list by inserting or omitting the name of any

person whose name ought to have been or ought to be, inserted or omitted, or by inserting or omitting any property which ought to have been, or ought to be, inserted or omitted, or by altering the assessed annual value of any property which has been erroneously assessed through fraud, accident or mistake, whether on the part of the committee or of the assessee, after giving notice to any person affected by the amendment of a time, not less than one month from the date of service of such notice, at which the amendment is to be made, and such person may, before the time fixed in such notice, make objection to such amendment in writing to the committee and may appeal against any order passed by the committee on such objection in the manner laid down in section 25, and the provisions of section 25 shall, as nearly as may be, apply to the disposal of any such objection or appeal.

(2) Every person whose name appears in an assessment list shall be furnished by the committee, free of charge, with a copy of the entry relating to such person in the assessment list in its final form after such modifications have been made as may be necessitated by any order passed under section 25 or clause (1) of this section.

NOTES.

This section provides for the period of five years during which assessment lists prepared under section 23 cr 24 shall remain in force and also for the amending of such lists at any time, whenever necessary.

Amount to be raised by town-rate each year to be sanctioned by the Deputy Commissioner.

27. (1) Every committee which has decided to impose a town-rate under section 21 *(a)* shall on or before the first day of January in each year determine the amount to be raised by means of the town-rate in such year: provided that in the case of a town-rate imposed in the form of a tax on the owners or occupiers of houses

or lands within the limits of the small town, the amount to be raised by means of the town-rate in any year shall be such that the percentage of assessed annual value payable by each person whose name appears in the assessment list shall not exceed 12½.

(2) Every committee which has decided to impose a town-rate shall, when it submits its budget for the ensuing financial year as required by section 46 of the Act, report to the Deputy Commissioner the amount which it has decided to raise by means of the town-rate. The amount of town-rate which is actually to be raised in the ensuing financial year shall be the amount entered in the budget as finally sanctioned by the Deputy Commissioner under section 46 of this Act.

Publication of annual rate of town-rate and procedure for making demand.

28. When the amount of the town-rate to be raised in the ensuing financial year has been finally determined under sub-section (2) of section 27—

(1) The committee shall give public notice—

(*a*) of the percentage of assessed annual value payable by each person whose name appears in the assessment list, where the town-rate has been imposed in the form of a tax on the owners or occupiers of houses or lands within the limits of the small town ; or

(*b*) of the number of assessment units payable by each person whose name appears in the assessment list, in cases where the town-rate has been imposed in the form of a tax upon all residents of the small town ;

(2) the committee shall cause to be delivered to each person on the assessment list a bill for the amount of town-rate for which he is liable ;

(3) the amount of town-rate for which a person is liable as shown in the bill delivered to him under sub-section (2) shall be payable in such instalments, and each instalment shall become due on such date as the committee may by resolution in that behalf prescribe, and every bill delivered under sub-section (2) shall indicate the amount of the instalments and the dates on which they are due : provided that any person who so desires may pay the whele amount for which he is liable in one instalment in advance.

Procedure for imposition of taxes other than a town-rate.

29. (1) A committee may pass a resoultion to propose the imposition of a tax under section 22 of this Act.

(2) When such a resolution has been passed the committee shall publish a notice, defining the class of persons or description of property to be taxed, the rate of the tax to be imposed and the system of assessment to be adopted.

(3) Any inhabitant of the small town objecting to the proposed tax may within thirty days from the publication of the said notice submit his objection in writing to the committee; and the committee shall take his objection into consideration.

(4) If no such objection is received within the said period, or if all such objections, having

been considered, are deemed to be insufficient, the committee may forward its proposal to the Local Government, with the objections, if any, which have been submitted as aforesaid, and its decision thereon.

(5) The Local Government on receiving such proposal may sanction or refuse to sanction the same, or return it to the committee for further consideration.

(6) When any such proposal of the committee has been sanctioned by the Local Government, the latter shall notify the imposition of the tax in accordance with such proposal, and shall specify a date on which the tax shall come into force.

(7) A notification of the imposition of a tax under this Act shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act.

(8) Every tax imposed under this section shall remain in force until it is cancelled by a notification of the Local Government.

NOTES

A town committee may by a resolution, pass the imposition of any tax mentioned in section 22, and after the passing of the resolution shall publish a notice defining,—

(1) the class of persons, or
(2) description of property
and— } to be taxed

(3) the rate of the tax to be imposed, and

(4) the system of assessment to be adopted.

Any inhabitant, within 30 days from the application of

the said notice, may put in writing objections to the committee and the committee shall consider his objections If no objection is received within 30 days or if all such objections have been deemed insufficient, the committee may forward its proposal with objections, if any, and its decision thereon to the Local Government, which may sanction or refuse or return the proposal for reconsideration, to the committee. After sanction, the Local Government shall notify the imposition in terms of the proposal and shall fix a date when it shall take effect. A notification of the imposition is a conclusive evidence that all the provisions of the Act have been complied with and the tax shall remain inforce until cancelled by a notification by the Government.

Defect in procedure will imvalidate the tax. 21 All. 348 Failure to fix the scale makes the tax *ultra vires.* 9 I. C. 218 pA tax leviable by the year is under section 62 of P. M. Act, 1911 eviable by the calender year. 4 P.R. 1898.

Section 29 (6).

In pursuance of the provisions of sub-section (6) of section 29 of the P. S. T. Act, 1921, the Punjab Government, are pleased to notify the imposition by the town committee mentioned against it, of the tax mentioned overhead :—

1. *A terminal tax on wheat, toria, cotton, cotton-seed and jaggery exported by goods train from the following stations at the rate of one pie and a half per maund exported :—*

S. T. C.	District	With effect from.	Notification of imposition.
Chak Jhumra	Lyallpur	26-11-25	P.G.N. 27954 of 14-9-31
Jaranwala	,,	,,	,, 6147 of 9-3-25
Sillanwali	Shahpur	1-2-26	,, 28632 of 23-12-25

2. *Terminal tax described in the Notification.*

Bhalwal	Shahpur	1-7-27	P.G. N. 15611 of 24-5-27
Kot Adu	Muzaffargarh		,, 17343 of 18-6-27
Mukerian	Hoshiarpur	1-9-27	,, 18916 of 13-7-27 & 19983 of 29-5-31
Hafizabad	Gujranwala	1-4-28	,, 986 of 10-1-28

3. *A Toll Tax, on animals and vehicles entering small town.*

S. T. C.	District	With effect from	Notification of imposition
Malakwal	Gujrat	1-3-30	P.G. N. 1033 of 13-1-30
Sillanwali	Shahpur	14-7-29	„ 20149 of 12-6-29
4 Octrio			
Chakwal	Jhelum	1-5-27	10040 of 29-3-27 & 13658 of 10-4-29
Kharar	Ambala	30-11-31	29646 of 3-10-31 in supersession of 240 & 15906 of 11-4-16 and 17-5-22

Procedure for making demands in respect of taxes other than a town-rate.

30. (1) If a tax is imposed under section 21 (*b*) or (*c*), the commmittee shall deliver a bill to every person by whom the tax is payable for the amount of tax payable.

(2) Such tax shall be payable in such instalments and each instalment shall be due on such date as the committee may by resolution in that behalf prescribe, and every bill delivered under sub-section (1) shall indicate the amount of the instalments and the dates on which they are due: provided that any person who so desires may pay the whole amount for which he is liable in one instalment in advance.

(3) If a tax is imposed under section 22 the Local Government shall by rule prescribe the method by which such tax shall be assessed and collected.

NOTES.

1. For the rules see footnote under section 21.

31. If any person fails to pay any tax, or

any instalment of any tax, or any fee or any other sum due to the committee under this Act, or due to the committee as rent for any immovable property vested in or under the control of the committee, on or before the date on which payment is due, the committee shall, ordinarily within fifteen days after such date, cause a writ of demand to be served on such person, or delivered at or affixed to his place of residence within the small town, or addressed by registered post to such place of residence or any other place where he may be known to reside. Any postal charges incurred [and any fee leviable for the writ of demand] under this section may be added to the arrear claimed and recovered as such.

Recovery of arrears of taxes and other sums.

NOTES.

1. The words "and any fee leviable for the writ of demand" have been inserted by section 7 of Punjab Act, XIV of 1926, between the word "incurred" and "under" this amendment authorises the recovery of fee for a writ of demand along with postal charges.

Recovery of arrears of taxes and other sums

32. Arrears of any tax or of any instalment of any tax or of any fee or of any other sum due to the committee under this Act or of any sum due as rent for any immovable property vested in or under the control of the committee, may be recovered on the expiry of three weeks from the date of the issue of a writ of demand under section 31 on application to a Magistrate having jurisdiction within the limits of the small town or in any other place within the Punjab where the defaulter may for the time being reside, by the attachment and sale of any movable property belonging to such defaulter and within the limits of such Magistrate's jurisdiction.

NOTES.

This section materially corresponds to section 81 of P.M. Act, III of 1911, Sections 83 of Bom. Act III, of 1 01, Section 344 of Mad. Act, V of 1920 and Sec. 169 U.P. Act, II of 1916.

.The action of the Magistrate is only ministerial. The Magistrate has no jurisdiction to enquire whether arrears for which a warrant is asked, are really due or not. 22. All. 111. distinguishing 17 Bom. 731. "Claimable" is not equivalent to "due". 2 P.R. 1910 Cr. Money due on a contract of municipal sewerage does not come within the scope of this Section and as such is not recoverable under section 81 of P.M. Act. 1911. 23 P. R. 1903 Cr; 52 I.C. 670. Doors of a house cannot be attached as movable property. 11. Cal. 164; 13 Mad. 518; 14 Mad. 467.

Exemption from taxation

33. Subject to confirmation by the Deputy Commissioner in the case of individuals and by the Commissioner in the case of classes of persens the committee may exempt any person or class of persons in whole or in part from the payment of any tax.

NOTES.

This section may be compared with section 70 of the Punjab Municipal Act, III of 1911.

CHAPTER V.

POWERS FOR SANITARY AND OTHER PURPOSES.

Exclusion of jurisdiction of District Boards.

India Act, XX of 1883

34. In any small town any matter, which under the provisions of this Act comes within the scope of the authority of the town committee and which in accordance with section 20 of the Punjab District Boards Act, 1883, is under the control and adminstration of the district board, may notwithstanding anything in the said section, be placed by order of the Commissioner of the Division under the control and administration of the town committee and thereupon the district board shall cease to exercise control thereof.

NOTES.

Uuder sectoin 20 of the Punjab District Boards Act, XX of 1883, matters relating to various scopes, can be placed under the control and administration of the District Board But under this section the Commissioner of the Division in which the small town is situated can place, any of the matters under the control of the District Board, within the scope of the authotity of the small-town Committee, provided those matters can be placed under the control of the small town Committee, under section 16 of this Act.

Section 20 of Punjab District Boards Act, XX of 1883 is as follows:—

"20. (1) The following matters shall, subject to such exceptions and conditions as the Local Government may make and impose, be under the control and administration of each District Board within the area subject to its authority —

(*a*) the management of all property vested in the District Board ;

(*b*) the construction, repair and maintenance of public roads and other means of communication;

(*c*) the establishment, management, maintenance and visiting of public hospitals, dispensaries, sarais and schools, and the construction and repair of all buildings connected with those institutions;

(*d*) the training of teachers and the establishment of scholarships;

(*e*) the supply, storage and preservation from pollution of water for drinking, cooking and bathing purposes; and

(*f*) the planting and preservation of trees.

(2) The Local Government may direct that any of the following matters shall subject to such exceptions and conditions as it may make and impose, be under the control and administration of a district board within the area subject to its authority—

(*g*) the management of any property vested in His Majesty;

(*h*) the establishment, maintenance, visiting and management of markets, rest-houses, encamping-grounds and other public institutions, and the construction and repair of all buildings connected with these institutions;

(*i*) the construction and repair of embankments, and the supply, storage and control of water for agricultural purposes;

(*j*) the preservation and reclamation of soil, and the drainage and reclamation of swamps;

(*k*) the construction, repair and maintenance of famine preventive works and the establishment and maintenance of such relief works, relief houses and other measures in time of famine or scarcity as may be

entrusted to the charge of the board by the Local Government;

(*l*) the registration of births, marriages and deaths ;

(*m*) fairs and agricultural shows and industrial exhibitions ;

(*n*) the establishment and management of pounds including, where the Cattle Trespass Act, 1871, is in force, such functions of the Local Government and the Magistrate of the district under that Act as may be transferred to the board by the Local Government ;

(*o*) the management of such public ferries as may be entrusted to the charge of the board under Section 7-A of the Northern India Ferries Act, 1878, as amended by this Act ;

(*p*) any other local works or measures likely to promote the health, comfort, convenience and interests of the public or the agricultural or industrial prosperity of the country ; and

(*q*) any other matters which the Local Government may declare to be fit and proper matters to be taken under the control and administration of the board.

(3) The Local Government may cancel or modify any direction given by it under sub-section (2)

(4) A District Board shall, so far as the funds at its disposal permit, make due provision for all matters placed under its control or administration by or under this Section.

Note : As to what matters have been placed under the control and administration of the District Boards under various clauses of this section, see Sang's Law and Practice of the Punjab District Boards 1st. Ed. p. 38.

Powers of issuing orders for sanitary and other purposes.

35. Subject to the provisions of section 34 and to any rules which the Local Government may make in this behalf a committee may, and on the requirement of the Deputy Commissioner shall, by general or special order in writing, provide for all or any of the following matters :—

(*a*) the protection from pollution, the purification and periodical examination of all sources of [water] used for drinking purposes ;

(*b*) the prohibition of the removal or use for drinking purposes of any water from any source when such removal or use causes or is likely to cause disease or injury to health, and the prevention of such removal or use by the filling in of any well, tank or other receptacle or by any other method that may be considered advisable ;

(*c*) the setting apart of suitable places for bathing, for washing and watering animals and for washing clothes ;

(*d*) the disposal of corpses by burning and burial ;

(*e*) the disposal of mad and stray dogs ;

(*f*) prohibition of the deposit of manure, rubbish, offensive matter or the dead bodies of animals, except in places fixed by the committee ;

(*g*) the regulation of offensive or dangerous callings or trades ;

(*h*) the repair or removal of dangerous or ruinous buildings ;

(*i*) the removal of noxious vegetation ;

(*j*) the cleansing of any filthy building or land, and the closing of any building not fit for human habitation ;

(*k*) the disinfection of any building or article which the committee may consider necessary in order to prevent the spread of any infectious disease ;

(*l*) the setting apart and regulation of places for the slaughter of animals intended for sale ;

[(*ll*) the prevention or removal of any movable or immovable encroachment over any street, drain, sewer or channel and the recovery of the expenses incurred by such prevention or removal or in rectifying any damage caused to the street, drain, sewer or channel by such prevention or removal.]

(*m*) the regulation of the erection or re-erection of buildings [including the prevention of the erection or re-erection of any building for any reason the committee may deem to be just and sufficient or in pursuance of a general scheme sanctioned by the Commissioner restricting the erection or re-erection of buildings or any class of buildings] ;

(*n*) the provision, repair or removal of drains, privies and latrines ;

(*o*) the prohibition of driving any vehicle after dark without proper lights ;

(*p*) the licensing of premises for the manufacture, preparation for sale or sale of articles of food or drink, and the regulation of the transport within the small town of articles of food and drink ;

(*q*) the licensing of vehicles kept or plying for hire, the control of traffic, the setting apart of places where vehicles plying for hire may stand ;

(*r*) the prohibition of the picketing of cattle in any street or public place ;

(*s*) the setting apart of places for the excavation of earth for building or making bricks ;

(*t*) the prohibition of brick-kilns and potters' kilns in any specified area ;

(*u*) licensing of store houses for any explosive or for petroleum or any inflammable oil or spirit ;

(*v*) licensing of yards or depot for trade in hay, straw, thatching grass, wood, charcoal or coal, or other dangerously inflammable material ;

(*w*) the prohibition of the keeping of a brothel or the residence of a public prostitute in any specified part of the town ;

[(*x*) the proper registration of births and deaths.]

[(*y*) the licensing of persons selling or importing for sale milk, butter, ghi, curd, meat, game, fish and pottery.]

NOTES

1. In clause (*a*), the word "water" has been substituted for the word "waters" by Section 8 (*i*) of Punjab Act, IV of 1925.

2. Clause (*ll*) was added by Punjab Act, IV of 1925 Section 8 (*ii*)

3. The words from "including the" upto the end of clause (*m*), were added by Section 8 (*iii*) of Punjab Act No, IV of 1925.

4. Clause (*x*) was added by Section 8 (*iv*) of Punjab Act, IV of 1925.

5. Clause (*y*) was added by Section 8 of Punjab Act, XIV of 1926, This clause has been enacted with a view to licensing persons dealing with commodities mentioned above, in order to have some control over them. The dealers of the type of hawkers could not be controlled previously. Now they too will be covered.

6 As regards appeals against any special order issued against a person, see Section 37 of this Act.

7. As to how a general order is made, see section 36 of this Act.

8. A small town committee is not bound to make any general order, but when it is required to do so by the Deputy Commissioner, it is bound to make the general order. A general order can be made in respect of matters mentioned in clause (*a*) to (*y*) only. This section (35) deals with both the permissive and obligatory duties of small town committees. For a distinction between permissive and obligatory duties of local bodies. See 42 Mad. 796.

Clause (a) and (b).—For comparison, see sections 96, 103, 104, 128, 131, 149, 188 (*e*) (*vi*) of the P. M. Act, III of 1911. Clause (*a*) relates to the protection from pollution, the

purification and periodical examination of all sources of water used for drinking purposes; and clause (*b*) relates to prohibition of the removal or use for drinking purposes of any water from any source when such removal or use causes or is likely to cause disease or inquiry to health, and the prevention of such removal or use by the filling in of any well, tank or other receptacle or by any other method that may be considered advisable. These provisions are made for securing water free from any pollution or contamination which is very injurious for human consumption.

If the water of any private tank, well, or other place is unfit for drinking, the owner or person having control thereof may be required to refrain from using or permitting the use of such water or close such place or enclose or fence the same. 38 C. L. J. R. 13 = 9 L. S. G. G. R. 102. Notice should be for prohibition of the use or for cleansing the source of water supply which is injurious for health, but not for the demolition of the cesspool. *Emperor V. Laduram Manormal*, 11. Bom. L. R. 1349, see also 5 C. P. L. R. 57 Cr. Where certain tanks had a drainage water escaping into them the local authority served the owner with a notice to fit the tanks on the ground that they were insanitary. A bund all round the tanks equally served the purpose rather than the expensive filling up. It was held that this power must not be exercised for ulterior purposes or in a capricious, wanton and arbitrary manner and if so used can be controlled by the Civil Courts and that the order passed by the local authority in this case was one that should be set aside. *Taluk Board Bander* V. *Zamindar of Chellapalli* (1920) I.L.R. 44 Mad. 156 = 7 L. S. G. G. R. 33. It is not open to the accused to prove that the tank was not likely to prove injurious to the health of the neighbourhood. 11. Mad. 341. See also, 9 Bom. L. R. 247. A well sunk as a charitable act by a private person and dedicated by him to the public must be regarded as a public place and vests in the Municipality under Sec. 56 (1) of the Punjab Municipal Act. *Kishen Singh* V. *Municipal Committee of Amritsar.* (1922) 67 I. C. 899 = 4 L.L. J. 62.

Clauses (a) and (b) of section 35, relating to declaration of source of water for drinking purposes and to the prohibition of polluting the same.

MODEL OF A GENERAL ORDER.

1. The town committee may by public notice declare any well or other source of water to be a source of water used for drinking purposes

2. No person shall pollute a source of water used for drinking purposes :—

(*a*) by collecting within a distance of less than 100 fee or throwing into it any rubbish or filth or by easing himself or urinating nearer than 100 feet ;

(*b*) by bathing or washing any clothes or utensils or watering any animals within a distance of less than 100 feet or such other distance as the committee may by special order apply to any source of supply;

(*c*) by lowering his private receptacle for drawing water into any well to which the committee may by special order apply this sub-clause ;

(*d*) by permitting surface-water or the water of any drain to flow into the source of water used for drinking purposes.

3. No person shall build without the sanction of the town committee any *kacha* drain, sewer or latrine or make other arrangements for the collection of dirty or filthy material within 50 feet from a source of water used for drinking-purposes.

4. If the committee has by special order required the owner or occupier of any source of water used for drinking purposes (*A*) to build a drain, cistern, or *pacca* floor in order to provide for dirty water to flow off or prevent the flow of surface-water or the water of any drain into said source ; (*B*) or to provide it, if a well, with a suitable covering in order to prevent pollution from natural causes such as by falling in of dead leaves or decomposed fruit of berries ; or (*C*) to provide it, if a well, with a parapet 3 feet high round the surface of the well ; or (*D*) to provide it with a metal receptacle for raising water for drinking purposes attached to a metal chain of such length that

the upper end of the chain shall always be above the surface of the water ; or (*E*) to remove or close any drain, privy, latrine, urinal, cesspool or other receptacle for filth or refuse which exists within fifty feet of the source of water used for drinking purposes, and if the said owner or occupier refuse or neglects within a reasonable time to obey any of the said special orders, the committee may after a week's futher notice enter upon such source of supply and carry out the improvements indicated.

5. The president, secretary, or medical officer of health of the town committee authorised in that behalf may at all times inspect a source of water supply, and the town committee shall cause this to be done not less than twice a year.

6. The owner or occupier of a source of supply of drinking water shall clean it at least twice a year and whenever called on to do so by the president, secretary or medical officer of health of the town committee empowered in that behalf.

7. The president, secretary or medical officer of health of the town committee may at any time clean a source of supply of drinking water and disinfect it with permangnate of potash.

8 Should the committee consider that the water in any well, tank or other place is likely, if used for drinking, to engender or cause the spread of any dangerous disease and by special order prohibit the removal or use of such water for drinking and require the owner or occupier of such well, tank or place to take such steps as may be specified in the special order to prevent the public from having access for using such water and should the owner or occupier neglect to take such steps the committee may after a week's further notice enter upon such well, tank or place and take the steps specified in such special order.

A general order under clause (*a*) and (*b*) of section 35, is in force in the following town committees :—

A. *Reserving of tanks, wells, etc. for drinking purposes only*—

Ahmadpur	P. G. N. 674	of 3-12-30
Chakwal	„	. 3A. I. 235 of 17-1-27

Chawinda	P. G. N.	225 of 13-10-31
Daska	,,	90 of 4-5-31
Fatehgarh Churian	,,	224 of 12-11-30
Fatehjang	,,	110 A. I. 221 of 16-9-26
Giddarbaha	,,	1026 of 12-2-30 5823 of 11-9-31
Gujarkhan	,,	A/XIV-16 99of 1-9-31
Guruhar Sahai	,,	8162 of 1-11-30
Hassanabdal	,,	122/A-XIV 8 of 20-12-26
Kahror	,,	667 of 13-11-30
Kalka	,,	53 of 17-8-26
Kangra	,,	4170 of 16-6-31
Kharar	,,	23 of 13-3-30
Kot Chhutta	,,	745 of 17-10-31
Lala Musa	,,	A-XIV 32/37 of 22-4-31
Majitha	,,	50 of 24-3-31
Mittranwali	,,	187 of 24-9-30
Palampur	,,	780 of 17-9-27
Ramdas	,,	171 of 21-8-31
Sahowala	,,	33 of 16-2-31 and 57 of 25-3-31
Sujanpur	,,	166 of 17-8-31
Tandlianwala	,,	430 of 12-12-27
Toba Tek Singh	,,	725 of 4-8-31
Tohana	,,	53 of 6-6-27

B. *Disinfecting of wells and forbidding their polution.*

Alawalpur	P. G. N.	1849 of 28-3-29
Budhlada	,,	2 of 3-1-30
Daska	,,	90 of 4-5-31
Majitha	,,	50 of 4-3-31
Sahowala	,,	33 of 16-1-31 and 57 of 25-3-31
Shahpur city	,,	A-XIV-29/91 of 13-8-31
Sillanwali	,,	94-A-XIV. 30 of 13-8-31
Tandlianwala	,,	502 of 22-9-28

CLAUSE (*b*).

C. *To prohibit the removal or use for drinking purposes of water injurious to health or likely to cause disease.*

Budhlada	P. G. N.	2 of 3-1-30.
Chakwal	...	3-A-I-235 of 17-1-27.
Chawinda	...	225 of 13-10-31.

Small Town Committee		*P. G. Notification*
Daska	.	90 of 4-5-31.
Fatehgarh Churian (Gurdaspur)	.	224 of 12-11-30.
Fatehjang	...	101-A-I-221 of 14-8-26.
Giddarbaha	..	5823 of 11-9-31.
Gujarkhan	...	A-XIV-16/99 of 1-9-31.
Guruharsahai (Ferozepore)	...	8162 of 11-11-30.
Hassanabdal	...	124-A-XIV-8 of 20-12-26.
Kahror (Multan)	...	667 of 13-11-30.
Kangra	..	4170 of 16-6-31.
Kharar (Ambala)	..	23 of 13-3-30.
Kotchhutta (D. G. K.)	...	482 of 26-6-28 and 745 of 17-10-31.
Majitha (Amritsar)	.	50 of 24-3-31 and 57 of 25-3-31.
Mitranwali (Sialkot)	..	187 of 24-9-30.
Nawanshahr (Jullundar)	...	3551 of 2-6-27.
Ramdas	...	171 of 21-8-31.
Sahowala (Sialkot)	...	33 of 16-2-31 and 53 of 25-3-31.
Shahpur City	...	A-XIV 29/91 of 13-8-31.
Sujanpur	...	166 of 17-8-31.
Toba Tek Singh	...	725 of 4-8-31.

Clause (c) of Section 35.

This clause (*c*) of section 35 may be compared with section 106 of P. M. Act, III of 1911.

This clause provides for the regulating of the use of bathing and washing places and for the cleanliness of persons and for the convenience of watering animals and for separating all the places mentioned in the clause with a view to prevent contamination. Setting apart does not necessarily mean "provide"—*Harichand M. Act 1923 Ed. p. 237*. It means that the places in existence may be made exclusive for the use of any of the following purposes:—

(1) for bathing (of course of human beings),

(2) for washing and watering animals; and

(3) for washing clothes.

I think unless and until all the places mentioned above have been set apart, no one ought to be, or rather can be, prosecuted for the breach of any of the uses mentioned in the three clauses. If no place, for instance, is set apart for washing and watering of animals, and a person washes his horse in a place set apart for washing clothes, he ought not to be, rather cannot be convicted for the breach of this clause.

Clause (c) *of section 35*, relating to the prohibition of bathing, washing and watering of animals and washing of clothes in places other than those set apart for the purpose.

MODEL OF A GENERAL ORDER.

Bathing is permitted in (name the place). Washing and watering of animals and washing of clothes are permitted in (name the place) only.

A general order under clause (*c*) is in force in the following small town committees :—

	P. G. Notification.
Giddarbaha	1024 of 12-2-30.
Kalka	64 of 4-10-26.

Clause (d)

For camparison, see sections 107 and 188 (*e*) (*v*) of the Punjab Municipal Act, 1911. This clause (*d*) of section 35 provides for the regulating of the disposal of corpses by burying and burning, with view to prevent indiscriminate burial or burning of dead bodies in places not set a part by the small town committees. If burials and burning will take place at all and every places there will be a great danger to the health of the citizens *cf.* 19. W. R. 309. The committee when notifying the prohibition of the use of a place other than that notified for burning or burial of dead bodies, must expressly mention the time from which notification is to take effect and specify the place for such use. *Cf.* 25 Cal. 492 ; cremation of dead bodies is not a public nuisance— 19. Mad. 464.

The presence of a provision for licensing sale of fuel in burning grounds was held not to give power to create exclusive rights in favour of any person to sell fuel for burning dead bodies.— *Cf.* 6. I. C. 864 or 14 C. W. N. 1057.

MODEL OF A GENERAL ORDER.

Clause (*d*), of section 35, relating to the burial or burning of dead bodies.

1. No person shall bury or burn any corpse within the limits of the Small Town at any place other than the one notified by the Town Committee for this purpose.

2. Such corpse shall be burnt or buried within twenty-four hours unless otherwise ordered by a Magistrate of Police Officer.

3. Any person committing a breach of this order shall be liable to be prosecuted and on conviction, to be punished under section 38 of the Punjab Small Towns Act, II of 1922.

A general order under this clause (*d*), is in force in the following Small Town Committees :—

Small Town Committee.	P. G. Notfn.	Small Town Committee.	P. G. Notfn.
Budhlada	3 of 3-1-30	Majitha	51 of 24-3-31
Chakjhumra	362 of 30-3-27	Mitranwali	192 of 24-9-30
Chawinda	223 of 12-10-31	Sahowala	34 of 16-2-31
Daska	81 of 28-4-31	Sambrial	22 of 10-2-31
Dhariwal	237 of 10-12-30 and 21 of 4-2-31	Sangla	224 of 13-12-30
		Shahdara	97 of 9-5-31
		Shahpur city	A-XIV-29/91 of 13-8-31
Fatehgarh	220 of 4-11-30		
Gurharsahai	8163 of 11-11-30	Sillanwali	A-XIV-30 41 of 22-4-31
Jaranwala	362 of 30-3-27	Sodhra	190 of 8-9-31
Kalka	52 of 17-8-26	Sujanpur	165 of 17-8-31
Mailsi	604 of 5-5-30	Tandlianwala	431 of 12-12-27

Clause (e) of Section 35

This clause may be compared with sections 109, 110 and 158 (*s*) of the Punjab M. Act. III of 1911. This clause (*e*) of section 35 of the Pb. S. T. Act, 1922, empowers committees to frame rules as to the disposal of mad and stray dogs. The keeping of any animal in such a position or in such circumstances as to cause material discomfort or annoyance to the public in general and to any person in particular is a nuisance. Lumley vol. I. pp. 115-7 and pp. 164 etc , Dillon Vol II, pp. 1050. 1050-1, quoted in Aiyangar's Municipal Corporations. 2nd. Ed. p. 624, 625. The annoyance need not account to injury to health. *Banbury sanitary anthority V. Page* (1881), 8 Q. B. D. 97; *Bishop Auckland Local Board V. Bishop Auckland Iron Co*; (1882) 10 Q. B. D. 138. "Stray" means any domestic animal that wanders at large or is lost; an estray.—*Annandales' English Dictionary*. The right of appeal from persons aggrieved by any special order issued under this clause has been taken away, vide section 37 of this Act.

Clause (e) of Section 35, relating to the requiring of the dogs without collars to be destroyed.

MODEL OF A GENERAL ORDER.

1. Every owner or keeper of a dog kept within the town area shall cause the dog to wear a collar.

2. Any mad dog or stray dog (without collar) found within the town area shall be destroyed or otherwise disposed of by the committee.

3. No compensation shall be paid for any dog destroyed or otherwise disposed of under clause 2 of this general order.

A general order under this clause (*e*) of section 35, is in force, in the following. small town committees :—

Giddarbaha—P. G. N. 1372 of 1-3-30.

Khanna —P. G. N. 5741 of 29-7-30.

Jalalpur Pirwala P. G. N. 767 of 2-2-32

Clause (e) of section 35, relating to the destroying and confining of dogs suspected of suffering from ralies.

MODEL OF A GENERAL ORDER.

The town committee may authorise any person :—

(*a*) to destroy or cause to be destroyed, or confine or cause to be confined for such period as the com mittee may direct, any dog suffering, or reasonably suspected to be suffering from rabies, or bitten by any dog suffering or suspected as aforesaid ;

(*b*) to confine or cause to be confined any dog found wandering on any street or public place without a collar bearing a numbered label issued by the town committee and destroy or otherwise dispose of any such dog; if it is not claimed within two days ; and

(*c*) after not less than three days' notice, to destroy or cause to be destroyed within the period stated in the notice which shall not exceed seven days, any dog found wandering on any street or public place with-out the numbered label referred to in the previous paragraph.

A general order under this clause (*e*) of section 35 of the Act, is in force, in the following Small Town Commlttees.

Small Town Committee	*P. G. Notification*
Bhalwal	-XIV-38/28 of 6-4-31
Bhopalwala	143 of 22-7-31
Budhlada	4 of 3-1-30
Chak Jhumra	438 of 14-1-28
Chakwal	9 A-I-235 of 17-1-27
Chawinda	224 of 13-10-31
Daska	74 of 28-4-31
Dhariwal	174 of 4-9-30
Fatehgarh	206 of 18-10-30
Guruhar Sahai	8164 of 11-11-30
Jalalpur Pirwala	767 of 2-2-32
Kahror	669 of 13-11-30
Kalka	54 of 17-8-26
Kangra	4171 of 16-6-31
Khanna	5741 of 29-7-30
Killa Sobha Singh	248 of 23-11-31

Small Town Committee	P. G. *Notification*
Lala Musa	A-XIV.-32/103 of 1-9-31
Mailsi	746 of 23-10-31
Majitha	52 of 24-3-31
Mitrauwali	26 of 19-6-26
Palampur	5279 of 6-8-29
Phalia	A.-XIV-37/19 of 12-3-31
Pindi Bhattian	149 of 3-8-31
Ramdas	178 of 1-9-31
Sahowala	35 of 16-2-31
Sambrial	23 of 10-2-31
Sangla	245 of 15-12-30
Shahdara	144 of 22-7-31
Shahpur City	A-XIV-29/89 of 13-8-31
Sillanwali	73-A XIV. 30 of 2-7-31
Sodhra	186 of 7-9-31
Sujanpur	175 of 21-8-31
Tallagang	49/A-XIV-17 of 3-7-30
Tandlianwala	432 of 12-12-27
Tohana	42 of 6-5-27

Clause (f) of Section 35.

The clause (*f*) of section 35, relates to the prohibition of the deposit of manure, rubbish, offensive matter or the dead bodies of animals, except in places fixed by the committee. It appears that unless the committee fixes any place or places for the purposes mentioned above, it can not prohibit the deposit noted in this clause. This clause may be compared with sections 154, 168 of the P. M. Act, III of 1911.

Section 19 (*c*) of the P. S. T Act, 1922, vests all dust dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind, or dead bodies of animals, collected by the committee from the streets, houses, privies, sewers, cesspools, or elsewhere. This provision gives a special right of ownership to the committee, in the dead bodies of animals collected by it. But this does not mean that an owner of a dead animal is deprived of his property in the dead body if he himself deposits the same in the place fixed for the purpose. It is only in cases when the owner throws the body away as a derelict into the street or abandons the ownership by depositing it in a public place, that the property in it is transferred to the committee after its collection. Of course an owner of a dead animal cannot indefinitely keep its caracass for such a long time

within the small town, as to be injurious to the health of public. It must be removed to a proper place within a reasonable time so as not to create a public nuisance.

Clause (f) of Section 35, relating to the deposit of manure rubbish, offensive matter or Dead bodies of animals in fixed places :—

MODEL OF A GENERAL ORDER

1. No person shall deposit manure, rubbish, dead bodies of animals or offensive matter anywhere within the limits of the town area, except in the place or places fixed for these purposes by the town committee.

2. The owner of every animal that dies within the limit of the small town shall within one hour of its death remove the dead body to the place fixed for this purpose by the town committee.

A general order under clause (*f*) of section 35, is in force in the following small town committees:—

Small Town Committee	*P. G. Notification*
Ahmadpur	... 675 of 3-12-30
Alawalpur	... 7414 of 13-12-26
Attock	... 106–A–XIV–14 of 1 9-26
Badomali	... 38 of 21-4-27
Bhalwal	... A. XIV-38/33 of 16-4-31
Bhopalwala	... 157 of 7-8-31
Budhlada	... 5 of 3-1.30
Chak Jhumra	... 643 of 26-9-30
Chakwal	... 4 A. I. 235 of 17-1-27
Daska	... 79 of 28-4-31
Dhariwal	... 173 of 4-9-30
Dharamkot	7132 of 27-9-30
Fatehgarh	... 212 of 9-10-30
Fatehjang	95-A-I-221 of 7-8-26
Giddarbaha	... 1025 of 12-2-30
Gujarkhan	... 43/A-XIV-16 of 15-8-28
Guruhar Sahai	... 8170 of 11-11-30
Hidayatpore Chhaoni	... 8 of 30-1-28
Ichhra	... 167 of 19-8-31
Jalapur Pirwala	... 711 of 2-2-32
Jamke	... 214 of 31-10-30 & 232 of 27-11-30 & 3 of 5-1-31

Small Town Committee	*P. G. Notification*
Kahror	... 454 of 27-3-28
Kallurkot	... A-XIV 39/60 of 20-6-31
Khanna	... 3671 of 6-6-28
Kot Chhutta	... 441 of 28-1-28 & 498 of 27-8-28
Lalian	... 538 of 3-4-29
Majitha	... 183 of 2-9-31
Malakwal	... A-I-215/61 of 28-7-27
Mitranwali	... 189 of 24-9-30
Nawanshahr	... 319 of 17-1-27
Palampur	... 4588 of 7-7-31
Pattoki	... 215 of 3-10-31
Phalia	... 20/A-XIV. 37 of 12-3-31
Pindi Bhattian	... 168 of 19-8-31
Radaur	... 77 of 5-12-29
Ramdas	... 177 of 1-9-31
Sahowala	... 36 of 16-2-31
Sambrial	... 24 of 10-2-31
Saugla	... 10 of 14-1-31
Shadara	... 71 of 21-4-31
Shahkot	... 7 of 5-1-31
Shahpur city	... A-XIV. 39/88 of 13-8-31
Sillanwali	... A-XIV-30/110 of 12-9-31
Sodhra	... 199 of 15-9-31
Srigobindpur	... 256 of 12-12-31
Sujanpur	... 173 of 21-8-31
Sultan singh	... 203 of 8-10-30
Sur singh	... 41 of 15-3-28
Tallagang	... 23-A-XIV, 17 of 19-4-29
Tandlianwala	... 433 of 12-12-27 & 506 of 25-10-28
Toba Tek Singh	... 698 of 23-4-31
Tohana	... 72 of 2-11-26
Vehoa	... 651 of 16-10-30

Clause (g) of Section 35.

This clause (*g*) of section 35, has been provided to regulate offensive and dangerous trades and calling, with a view to prevent nuisance or danger resulting from them to the public. This clause may be compared to section 121 of the P. M. Act, 1911. The committee regulates such trades and calling by requiring them to take licenses. For the meaning of "place" *see Master V. Dharamsi* (1901) 3 Bom. L. R. 436; *Emp. V. Fattee Mohamed* (1913). 15 Bom. L. R. 689. A license obtained for one trade or calling cannot be made use of for another trade or calling as well. 12 Bom. L. R. 122; 5 I. C. 859.

License for carrying on profession of a lime trader does not include a license to store lime. *cf.* 34 Cal. 913. When a place is used- for more than one purposes a separate licensing fee is leviable, 8 I. C. 574. Kiln is distinct from a *panja* or clamp. 72 I. C. 356 Manufactory from which unwholesome smells etc. arise comes under the scope of this clause if the smell smoke, gases or noises arise from it as the natural result of its working in the ordinary way, and not by negligent user of it. A flour mill worked by a camel is not a manufactory as is contemplated by section 121. *Pahlajrai Chapumal Karachi V. Municipality* 9. I.C. 886.

Offensive smells etc. need not be injurious to health. Smells effecting sense of smell will be offensive. See. 34 Cal. 73. The words "offensive and dangerous trades" are merely words of general description to facilitate reference, and cannot limit or control the plain words of the statute. 30 Mad. 220. A manufactory or place of business from which offensive or unwholesome smell may arise is also licensable. *Gobinda V. Chandra, Chairman Hugly & Chinsuru Municipality* (1921)-26 C.W.N. 994=65 I. C. 518. Licenses cannot create monopolies *Gour Mani V. Chairman of Panihati Municipality* (1910) 14 C. W. N. 1057 A license for explosives obtained under the Indian Explosives Act does not exempt the license from the obligation imposed by the local Municipal Act to take out a license for such explosives kept within the local limits of a municipality. *Public Prosecutor V Gobinda Pillai*, I Weir 740. See also 34 Cal. 913, If the common-duty for which the license is necessary is kept not for manufacturing or trade purposes but for domestic or househeld purposes, so license is required— Rat. Un. Cr. C. 793. Where a person burns bricks for his own purposes and not for trading purposes no license is required *Sriram Chander V. Chairman of Howrah Municipality* (1873) 20 W. R. 65 Cr. A Civil Court has no jurisdiction to interfere with a municipal committeee's order under section 121 (P.M.A. 1911,) in the absence of a finding that the action of the committee is wanton or without any jurisdiction or is tainted by *mala fides*. *Municipal Committee, Sonepat* V. *Dinu* 46 I.C. 571 *or* 6 P.R, 1919 & 42 *I. C.* 881

A licence fee is not in nature of a tax. *Ganpat Rai V. Emp.* (1913), 40 Cal. 356. A municipal corporation cannot form out license fees unless empowered by statute. *Corporation of Madras V. Masthan Sahib* (1911) 21 Mad. L.J.R. 788 & 790.

Clause (g) of section 35, relating to the regulation of offensive and dangerous trades and callings.

MODEL OF A GENERAL ORDER

1. Trade or callings which give rise to offensive or unwholesome noises are not permitted at hours between eight o'clock at night and six o'clock in the morning unless specially authorised in this behalf by the town committee.

2. In premises where oil engines are used kerosine oil,. petroleum and other inflammable materials shall be kept in a separate room which shall not be contiguous to engine room.

3. Every person shall adopt the best practicable means to the satisfaction of the committee for rendering innocuous all gases, effluvia or vapours emitted by the engine during the process of working, and shall in every case cause such gases, effluvia or vapours to be discharged into the external air in such a manner and at such a height as to admit of the proper diffusion of these gases without producing any unwholesome or injurious effects in the neighbourhood or shall cause such gases to pass from the exhaust pipe (or other outlet of such gases) through fire or into a condensing apparatus and then through fire in such a manner as to consume effectually such gases so as to deprive the same of all noxious or injurious properties.

4. In premises where smoke arises through the use of coal in the furnace or anyother place in the engine-house every person shall use such apparatus that will as far as practicable cousume the smoke arising from the engine or the furnaces

or

No place within the limits of the town committee shall be used for any of the following purposes, except under a license, which shall be renewable annually—

(*i*) Melting tallow, dressing raw hides;

(*ii*) boiling bones, offal or blood;

(*iii*) dry saltery for export ;

(*iv*) preparing and drying the bowels of animals for export;

(*v*) as a yard for the trade of bones, or

(*vi*) as a store-house for bones;

(*vii*) as a dying house or tannery ;

(*viii* any manufactory, engine-house, store-house or place of business from which offensive or unwholesome smells, gases noises or smoke arise :

Provided that no such license shall be necessary in the case of any such premises, which are being used for any of the aforesaid purposes, prior to the enforcement of the Small Town Act, 1921. Such premises, shall be registered as soon as this general order comes into force.

Explanation:—For purposes of this order the decision of the committee or a member or any officer appointed by the committee in this behalf, as to whether the ventilation is adequate or the drains or the rooms are suitable or the means adopted for rendering gases, effluvia or vapours innocuous are the best practicable, shall be final.

A general order under clause (*g*) of section 35 is in force in the following small town committees :—

Small Town Committee	*P. G. Notification*
Bhalwal	A-XIV 38/27 of 6-4-31
Budhlada	6 of 3-1-30
Chakwal	5-A-I. 235 of 17-1-27 and A-XIV-25/82 of 14-11-30
Chawinda	230 of 16-10-31
Chuharkana	9 of 20-1-28
Daska	83 of 28-4-31
Dharamkot	2690 of 22-4-30
Fatehgarh	222 of 7-11-30
Giddarbaha	8372 of 15-11-30
Gujarkhan	A-XIV-16/108 of 5-9-31
Guruharsahai	8165 of 11-11-30
Hafizabad	193 of 24-9-30
Hasanabdal	A-XIV- 18/67 of 29-11-28

Small Town Committee	*P. G. Notification*
Kahror	738 of 7-9-31
Kharar	47 of 12-8-30 & 54 of 8-9-30
Lalamusa	A-XIV-32/38 of 22-4-31
Mehm	20 of 10-2-30
Mitranwali	185 of 24-9-30 & 213 of 30-10-30
Pattoki	235 of 23-10-31
Sahowala	37 of 16-2-31
Sangla	247 of 16-12-30
Shahpur city	A-XIV-29/87 of 13-8-31
Sillanwali	A-XIV-30/39 of 22-4-31
Sodhra	204 of 17-9-31
Tallagang	A-XIV-17/77 of 30-7-31
Tandlianwala	434 of 12-12-27
Tohana	76 of 2-11-31, cancelling 73 of 2-11-26.

Clause (h) of Section 35

This clause empowers the town committees to compel the owner of dangerous or ruinous buildings to repair or remove them. This section may be compared with sections 113 & 114 of the Pb. M. Act. 1911. Danger means peril. risk, hazard, exposure to injury from pain, or other evil and varies in degree according as the apprehended injury is expected to occur at some future time. *Lalbhai v. The Municipal Commissioner of Bombay* (1909). 33 Bom. 334. The committee can by notice, require an owner or occupier of a building either to repair it to such extent as to make it in a safe and secure condition or to remove the same if it is beyond repairs. In the case of more than one owners notice to all of them would be needed. A notice requiring the removal of a ruinous shed without option of repairing the same is defective. 18 P.R 1908 Cr. and *Petman V. Emperor*. 23 P.R. 1905 Cr. But such option of removal or repairs is an option given to the local authority and not to the owner of the building. 52 I.C. 665; 43 Bom. 838 The Magistrate cannot acquit the accused on the sole ground that the premises did not appear to the Magistrate in such condition as to justify issue of notice—34 B. 346; 5 I.C. 860 A municipality can take down a building deemed to be in a ruinous state only after proper notice. 9 W. R. 279. Unless the local authority are acting in bad faith, or endeavouring under color of the exercise of statutory powers to evade a liability which otherwise they

would be under, Civil Courts cannot interfere and restrain them by an injunction-*Grand Junction Water Works Co. V.Hampton* (1898) 2. Ch. 321; *Merrick V. Liverpool Corporation* (1910) 2 Ch. 449.

Clause (h) relating to prevention of imminent danger to buildings in dangerous or ruinous state.

MODEL OF A GENERAL ORDER.

"1. Should any building, well, wall or structure or any thing affixed thereto, or any bank or tree be deemed by the committee to be in a ruinous state, or in any way dangerous it may, by notice require the owner thereof forthwith either to remove the same or to cause such repairs to be made to the building, well, wall, structure or bank, as the committee may consider necessary for the public safety and should it appear to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as may be necessary at the expense of the owner to avert the danger.

2. The committee, may, by notice, require the owner or partowner, or person claiming to be the owner, or part-owner, of any building or land which, by reason of abandonment or disputed ownership or other cause has remained untenanted and become a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice."

A general order under clause (*h*) of section 35, relating to the prevention of imminent danger to buildings, well, wall or structure or anything affixed thereto, or any bank or tree deemed to be in a dangerous or ruinous state, has been in force in the following town committees :—

Small Town Committee	*P. G. Notification*
Alawalpur	489 of 27-1-26 and 909 of 11-2.27
Budhlada	25 of 27-4-31
Chak Jhumra	696 of 31-3-31
Chakwal	10 A. I. 235 of 17-1-27
Fateh Jang	100-A-I-221 of 14-8-26
Giddarbaha	4106 of 3-5-30
Gujar Khan	A-XIV-16/100 of 1-9-31

Smatl Town Committee	*P. G. Notification*
Hassanabdal	125/A-XIV. 8 of 20-12-26
Jalalpur Pirwala	647 of 3-10-30
Kalka	64 of 3-9-28
Kallur Kot	A-XIV. 39/96 of 18-8-31
Khanna	284 of 14-1-29 and 8461 of 20-11-30
Kharar	57 of 13-9-29
Kot Chhutta	442 of 28-1-28
Lala Musa	A-XIV-32/115 of 1-10-31
Malakwal	93/A-XIV-22 of 22-11-27
Mehm	13 of 12-2-27
Tohana	74 of 2-11-26
Vehoa	751 of 3-11-31

Clause (i) of Section 35

Clause (*i*) of section 35, relates to the removal of noxious vegetation. This clause may be compared with Section 117 of the Pb. M. Act, III of 1911. The failure to comply with a notice is punishable under Section 38 of the P. S. T Act, 1922. If on the report of a medical officer any vegetation is removed it would be quite within the powers of the committee to do so. *cf* 7 W. R. 213. "Noxious" means hurtful, harmful; pernicious unwholesome, injurious,in a moral sense *Annandale's Dictionary*

Clause (i) of section 35, relates to the removal of noxious vegetation.

MODEL OF A GENERAL ORDER.

The town committee, may, after issuing a notice, require the owner of any building premises of land, to remove, within a period mentioned in such notice or in default, remove or cause it to be removed itself, any noxious shrubs, plants, or any other vegetation growing on such building premises or land, which may be found by the medical officer of the town committee to be injurious either for the consumption of animals or is otherwise unhealthy for the human beings.

A general order under clause (*i*) is in force in the following committee.—

Hassanabdal P. G. N. 126/A. XIV. 8 of 20-12-26,

Clause (j) of Section 35

Clause (j) of section 35 of the P. S. T. Act, 1922, relates to the cleansing of any filthy building or land, and the closing of any building not fit for human habitation. This clause may be compared with sections 115 and 116 of the Punjab Municipal Act, III of 1911. As to what is human habitation, see 79 P. L. J. 214 Under this clause a small town committee can require the closing of any building not fit for human habitation from a sanitary point of view. This power is seldom used in India though in England an occasional inspection of buildings is made. The sanitation of the towns will be improved to a great extent, if the provisions of this clause are properly watched by the officers of the small town committees who are responsible for the improvement of the sanitation of the committees.

Clause (j) of Section 35, relating to the requiring of keeping premises in clean condition.

MODEL OF A GENERAL ORDER

Should the owner or occupier of any building or land suffer the same to be in a filthy state, and should the committee, by special order require him within such time as it may think proper to clean the same and thereafter to keep it in a healthy state and should the owner refuse or neglect to clean and maintian the building or land as directed, the town committee may after a week's further notice enter upon the said building or land and take all steps necessary to clean it.

A general order under clause (j) of section 35, is in force in the following small town committees:—

Small Town Committee	*P. G. Notification*
Baddomali	13 of 22-1-31
Bhalwal	A-XIV. 38/39 of 6-4-31
Bhopalwali	155 of 17-8-31
Budhlada	7 of 3-1-30
Daska	76 of 28-4-31
Dhariwal	175 of 4-9-30
Fatehgarh	200 of 3-10-30
Giddarbaha	5362 of 17-8-31
Gujarkhan	A-XIV- 16/101 of 1-9-31
Guruharsahai	8166 of 11-11-30

Small Town Committee	*P. G. Notification*
Hidayatpore chhaoni	10 of 30-1-28 & 73 of 17-10-28
Jamke	215 of 31-10-30
Kahror	668 of 13-11-30
Kallurkot	A-XIV-39/106 of 2-9-31
Lala Musa	A-XIV-32/102 of 1-9-31
Mailsi	747 of 23-10-31
Majitha	53 of 24-3-31
Mandi Dabwali	78 of 27-10-30
Mittranwali	191 of 24-9-30
Pindi Bhattian	174 of 21-8-31
Qillah Sobha Singh	125 of 25-6-31
Ramdas	191 of 8-9-31
Sahowal	38 of 16-2-31
Sambrial	25 of 10-2-31
Sangla	239 of 12-12-30
Shahdara	63 of 6-4-31
Shahpur city	A-XIV-29/92 of 13-8-31
Sillanwali	43/A-XIV-30 of 20-6-30
Sodhra	179 of 1-9-31
Sujanpur	201 of 17-9-31
Tallagang	A-XIV-17/86 of 22-11-30

Clause (k) of Section 35.

Clause (*k*) of section 35, provides for the disinfection of any building or article which the committee may consider necessary in order to prevent the spread of any infections or contagious disease. This clause may be compared with section 143 of the Punjab Municipal Act, III of 1911; sec. 144 (*e*) of Bombay Act, III of 1901 and section 231, Madras Act, IV of 1884. This power is only discretionary and not obligatory. Whenever a building is occupied by a person other than the owner it will be better to deal with the occupier of it. Failure to comply with the orders of the medical officer of health as directed by the town committee is punishable under section 38 of this Act. In the case of a special order issued against any person under this section, no appeal lies to any authority, vide section 37 of the Act. This clause is provided with a view to ensure speedy eradication of the infectious or contagious disease. Moreover it is with this object in view that a right of appeal has not been provided for any action, taken under this clause. Therefore it is hoped that those empowered to act under this clause will act within their powers under this clause. Committees may also direct any clothing, bedding or any articles likely to retain

infection to be disinfected or destroyed and may pay compensation to the owner. A medical officer cannot without authority direct the destruction of any articles; and if he does so, compensation is not payable by the local authority. *Garlick V. Knottingley Urban District Council*, (1904) 68 J.P. 694.

Clause (k) of section 35, relating to the disinfecting of buildings and articles inorders to check infectious and contagious disease.

MODEL OF A GENERAL ORDER.

Should the town committee be of opinion that in order to prevent the spread of any infectious or contagious disease it is necessary to disinfect buildings or articles, inhabited or used by persons attacked by the disease, the town committee may direct the medical officer of health empowered in that behalf to enter upon or take possession of and disinfect all such buildings or articles as may be declared by the medical officer of health to have been inhabited or used by persons attacked by the disease. Such order shall specify the period for which it shall have effect which shall not exceed two months, but may be renewed.

A general order under clause (*k*) of section 35, is in force in the following Small Town Committees:—

Small Town Committee	*P. G. Notification*
Alawalpur	1927 of 3-4-29.
Bhalwal	A-XIV-38/30 of 6-4-31.
Budhlada	41 of 6-5-27 and 8 of 3-1-30.
Chak Jhumra	695 of 31-3-31
Chakwal	6-A-I-235 of 17-1-27.
Chawinda	223 of 13-10-31.
Daska	75 of 28-4-31.
Dhariwal	205 of 11-10-30.
Fatehgarh	198 of 3-10-30.
Giddarbaha	5458 of 21-8-31.
Gujarkhan	A-XIV-16/98 of 1-9-31.
Guruhar Sahai	8167 of 11-11-30.
Hassanabdal	A-XIV-18/68 of 29-11-28- and A-XIV-18-19 of 31-1-30.

Small Town Committee	*P. G. Notification*
Jalalpur Pirwala	770 of 2-2-32.
Jamke	217 of 31-10-31.
Kahror	670 of 13-11-30.
Khanna	5648 of 29-7-30
Kharar	75 of 3-12-29
Lalamusa	A-XIV-32/104 of 1-9-31
Mitranwali	188 of 24-9-30
Pindi Bhattian	159 of 11-8-31
Ramdas	172 of 21-8-31
Sahowal	39 of 16-2-31
Sambrial	26 of 10-2-31
Sangla	24 of 12-12-30
Shahdara	95 of 9-5-31
Shahpupr City	A-XIV-29/86 of 13-8-31
Sillanwali	A-XIV-30/79 of 30-7-31
Sodhra	189 of 8-9-31
Tallagang	A-XIV-17/78 of 30-7-31
Tandlianwala	489 of 24-7-28 and 513 of 5-11-28
Zaffarwal	22 of 2-2-3

Clause (l) of Section 35.

This clause (*l*) of section 35 of the Punjab Small Town Act, 1922, relates to the setting apart and regulating of places for the slaughter of animals intended for sale. This clause is analogous to section 167. P. M. Act, III of 1911, Section 261 Beng Act III of 1884, section 139, Bombay Act, III of 1916. The clause relates to the slaughter of animals intended for sale. Therefore slaughter of animals not intended for sale at a place not fixed by the town committee will not be any offence. The word " slaughter house" means a place used for the preparation of beasts for the market. (1872) 6 M.H.C.R. 18 Appendix. Killing a goat in one's own house for one's own consumption is no offence. Rat. Un. C. C. 399 (1888) Further it has been held that a person did not use a premises as a slaughter-house merely because he killed two pigs in the garden ground behind the house in which he resided. One single isolated act would not be sufficient *Simpson V. Procter*, (1896) 33 S L. R. 270. *cf*. 16 W. R. Cr. 4 and 14 Bom. L. R. 885. In a prosecution for keeping a slaughter house without a license, it must prove not only that the animal was slaughtered in an unlicensed place but was slaught-

ered for the sale of its flesh. U. B. R. (1904) 2nd Cr. Municipal I. Animal need not be intended for human food only. *Palmer V. Powel.* (1920) 84 J. P. 209. The letting it out of a place for purposes of a slaughter-house is using it as a slaughter-house. *Goodwin V. Sale*, (1907) 2 K. B. 278. The license is both for the person and for the place *R. V. Hepworth* (1866) 30 J. P. 423. A corporation has full discretion as to granting or refusing licenses; but no monopolies could be created. *Somu Pillai V. The Municipal Council Mayavaram* (1905) I. L. R. 28 Mad. 520. see also, 2 Mad. L. J. R. 206. Unless authorised by law, a Committee has no right to farm out the license fee that may be payable upon the slaughter of animals and a contract leasing out the collection of the said fees is *ultra-vires* and unenforceable. *Corporation of Madras V. Masthan Sahib.* (1911) 21 Mad. L.J. R. 788, see also, *Kumbakonam Municipal Council V. Abbah Sahib*,(1913) I. L. R. 36 Mad. 113=11 Mad. L. J. R 790=10 M. L. J. R. 168=(1911) 2 M. W. N. 95. In designing a public slaughter-house, regard must be had to the following points :—

(1) The animals awaiting slaughter should be spared as far as possible from any contract with the sights or smells of the slaughter-house itself.

(2) The waiting pens should be separated from the slaughter chamber, and latter should be shut off by sliding doors. The pitch of the floor and the drainage of the slaughter chamber should be away from, and not run into, the waiting pens, as is often the case at present. Depositing of blood barrels, freshly removed hides, or refuse from slaughter-house in close proximity to the waiting pens, should be prohibited.

(3) The floor of the slaughter-chamber whilst necessarily impervious, should not be slippery.

(4) Cattle should when possible, be slaughtered screened from their fellows.

(5) Immediately after the caracasses have been bled, they should be moved on and "dressed in" an adjoining room, screened off from the view of animals entering the slaughter-chamber.

Clause (l) of section 35 relating to Slaughter Houses.

MODEL OF A GENERAL ORDER

1. The committee will provide a building for slaughtering

of sheep and goats for the purpose of sale of meat, and no such slaughter of such animals for the purpose of sale of meat shall take place, except in the aforesaid building. No person shall sell any such meat in the town without first obtaining a license for the purpose from the committee.

2. Animals shall be slaughtered in the slaughter-house at the following times :—

From 1st October to 31st March	6 to 10 A.M. 1 to 4 P.M.
From 1st April to 30th September	5 to 9 A.M. 2 to 6 P.M.

3 The Sanitary Inspector (or name the officer) ; will examine all such ani nals and shall have power to accept or reject them, as unfit for slaughtering or human consumption and the accepted ones shall be branded with the town brand.

4 Skins will be removed in the slaughter-house, every caracass so cleaned will be inspected by the Sanitary Inspector (or name the officer) at the slaughter-house and if found fit for human consumption shall be stamped.

5 The flesh found unfit for human consumption shall be destroyed.

6 No person shall rub or cause to be rubbed the skins of the slaughtered animals on the walls of the slaughter-house or the surrounding ground.

7. No sick, sickly, dying or dead animal shall be brought into the slaughter-house.

8 The Committee will supply receptacles for offals and entrails which will then be suitably destroyed.

9. Old and other animls in advanced stage of pregnancy shall be rejected.

10. Skins shall be removed from the slaughter-house within the time fixed by the committee and specified on a notice board, put up in the slaughter-house.

11. Meat and caracass when being carried from one place to another shall be covered under a cloth from public view.

12. Meat and refuse to be destroyed shall be burried or disposed of in such a way as to render it useless for human consumption.

13. No animals other than sheep, goat, kid and lamb shall be permitted to be brought to the slaughter-house, *i.e.*, dogs etc., shall not be allowed.

14. No person suffering from leprosy, skin disease or any infectious disease shall enter or be allowed to enter the slaughter-house premises.

15. One anna per animal is fixed as fee for slaughtering.

16. The license granted by the committee may be cancelled by it at any time, if the license-holder is guilty of the breach of any general order under this heading or sells meat in an improper way.

Application of a general order under clause (*l*) of section 35, has been made in the following town committees :—

Small Town Committee	*P. G. Notification*
Alawalpur	1119 of 21-2-27
Ahmedpur	676 of 3-12-30
Bhalwal	A-XIV-38/31 of 6-4-31
Chak Jhumra	585 of 6-2-30
Chakwal	11-A-I-235 of 17-1-27
Chuharkana	122 of 24-11-27
Daska	163 of 17-8-31
Dhariwal	64 of 6-4-31
Dharamkot	2693 of 20-4-30
Fatehjang	99-A-I—221 of 11-8-26
Gujarkhan	A-XIV-16/3 of 14-1-29
Hassanabald	24/A-XIV-18 of 18-2-27

Small Town Committee	P. G. *Notification*
Jamke	154 of 7-8-31
Kahror	448 of 8-2-28
Kangra	8342 of 22-10-31
Khangah Dogran	229 of 16-10-31
Khanna	10038 and of 20-12-27&131 of 10-1-28 & 5141 of 29-7-29
Kharar	70 of 25-10-29
Lalian	551 of 10-6-29
Majitha	54 of 20-3-31
Mehm	16 of 21-2-27
Mittranwali	184 of 24-9-30
Nawanshahr	6717 of 4-8-27
Nurpur	9616 of 1-12-27 & 61 of 5-1-28
Palampur	3499 of 1-6-27
Phalia	21/A-XIV-37 of 12-3-31
Pindi Bhattian	241 of 2-11-31
Sambrial	27 of 10-2-31
Sangla	246 of 16-12-30
Shahdara	65 of 6-4-31
Sillanwali	75/A-XIV-30 of 24-10-30
Tallagang	19/A—XIV-17 of 15-3-29
Tandlianwala	306 of 7-12-25
Tohana	58 of 4-7-27

Clause (ll) of Section 35.

Clause (*ll*) of section 35 of the Act, relates to "the prevention or removal of any movable or immovable encroachment over any street, drain, sewer or channel and the recovery of the expenses incurred by such prevention or removal or in rectifying any damage caused to the street, drain, sewer or channel by such prevention or removal." This clause was inserted by section 8 (*ii*) of the Punjab Act, IV of 1925. This clause is analogous to section 173 of the Pb. M. Act, 1911. Signboards are movable encroachments if they overhang in the streets. 45 I. C. 503; 42 Bom. 454. The committtee leased a portion of the street in front of a building and the owner of the building

sued to enjoin the committee from leasing the street as interfering with his access to the building. The High Court held that where a street is vested in a Municipal Committee it has power only to the extent of exercising its rights over it in order to maintain it as a street. It cannot use the public street otherwise than as a street and it cannot interfere with the enjoyment of the right of the way by the public by leasing portion of it to private individuals, (1923) Lah. 272. But this ruling is not binding if the committees are allowed to charge ground rents and to lease out suitable portions of streets. The depositing of artictes on the street except with the license of the committee is not permissible. The public are entitled to the whole width of the road unimpeded by any article deposited therein and any obstruction however small is punishable in law. 11 Mad. 343. Section 173 of the Pb. M. Act, 1911, is not applicable to a part of the street leased out to a person for the express purpose of his renting portions of it to shop-keepers for placing goods. 22 P.R. 1919 Cr. The placing *of moras* by shop keepers without license in front of shops on a public street is not permissible. 45 P. R. 1905 Cr. 189 P. L. R. 1905. The public is entitled to have the whole width of the street for safe and convenient passage, see *Ibid.* The projections etc. which a corporation is entitled to remove are not limited only to those as would interfere with the traffic along the street. *Bagshaw V Buxton Local Board of Health* (1875) L. R. I. Ch. Div 220. followed in *O'livant V. Rahimtulla* (1888) 12 Bom. 474 ; *Ahmedabad Municipality* V. *Manilal Udenath* (1895)19 Bom 212 An encroachment is an unlawful gaining upon the right or possession of another man. *Easton V. Richmond Highway District Board,* L. R. 7. Q. B, 69 at P. 73. A balcony over a public road is an encroachment, *Nagar Valab* V. *Municipality of Dharduka,* (1888) 12 Bom. 490. Where a *takhtposh* is placed on the drain in front of a person's shop, the superstructure on the *takhtposh* is a movable encroachment over the drain and is, therefore, an encroachment wh ch the Municipal Committee is entitled under section 173 (2) to have summarily removed. *Municipal Committee V. Labhu Ram,* 93 I. C. 627= A. I. R. 1926 Lah 327. Fialure to remove is not a continuing offence. *Narain Chandra Chatterjee V. Corporation of Calcutta* (1910) 10 Cal. L. J. R. 623. The work itself might also be done by the corporation and the costs recovered from the party in default. It is always a question of fact whether a

particular thing is an obstruction or not and the Court has power to enquire into the same. *In the matter of the Municipal Committee of Dacca* (1883) I. L. R. 9 cal. 38. A hanging verandah is an encroachment *Hirji Baldeo V. District Board of Manbhum* (1914) 18 C. W. N. 1120. In the absence of any direct evidence of encroachment upon the land of a Municipal committee, a conviction is illegal. The evidence of an official who has got no personal knowledge but is based on a comparison of some old Municipal maps is after all, a mere opinion. 31 P. R. 1908 Cr. A pump in a public street is an obstruction. *Jagannath* V. *Emperor,* (1916) 35 I. C. 526 = 17 Cr. L. J. 350. The burden of proving the encroachment is on the municipalty. (1910) 8 Mad. L. T. R. 290; see however (1913) 25 Mad. L. J. notes 7, where it was held that the burden was on the adjoining owner. The corporations have absolute discretion to decide, whether a particular projection ought to be allowed or removed, and their discretion when properly exercised, is not liable to be controlled by a Court of law, 21 M. L. J. notes of cases 17.

In the cities and particularly the towns of the Punjab, there is lot of encroachment of public streets by the shopkeepers, to the great obstruction and in convenience of the traffic. Even in the large Municipalities such encroachments are made with the permission, on payment of a fee, of the local authority. Such permissions are unwittingly given by the local bodies, with a view to increase their incomes. Such an income, however large, should always be sacrificed in the interest of the public at large. Inconvenience and obstruction to traffic in the public streets, which is caused by encroachments made by the shopkeepers & hawkers is a matter which it is the duty of the local bodies to remedy atonce, even if large sums of money are sacrificed by way of fees & rents. It is but a common thing to see that the shopkeepers in the streets who have obtained permission from the local body to use the frontage of their shops on payment of rent or fee, always occupy more space than it is alloted to them. The result is that such permissions of encroachments are the cause of greater interference with the convenient use of the streets by the public than it otherwise can be without permission. In the case of non-permission, the person encroaching can always be easily prosecuted & convicted but when permission is given, it is always a question of fact whether the alloted space, or more than that, was being used at the time in question. Often this fact is proved in favour of

the accused and he is acquitted. The ultimate result is that the executive officers whose duty it is to see that no one encroaches upon the public street becomes less inactive in his duty to take the persons encroaching to task. Therefore the best solution for remedying inconvenience to traffic, especially in the narrow streets or in which there is always heavy wheel traffic, is not to let out or sanction any use of the street, by way of *tah-bazari*, on rent or fee, however large it may be.

Clause (ll) of Section 35.

MODEL OF A GENERAL ORDER.

1. (*a*) No person shall, without the written permission of the town committee, build or erect any immovable encroachment upon the ground level of any street or the town committee's platform bordering it or over or on any drain, sewer or channel or build or make any immovable overhanging structure projecting into a street or town committee's platform bordering it at a point above the said ground level.

(*b*) The committee may by special order require the owner or occupier of any building to remove or alter such immovable encroachment or overhanging structure, as aforesaid, and no compensation shall be claimable in respect of such removal or alteration.

(*c*) The town committee may by special order have such encroachment or overhanging structure removed or altered by its officers.

2. (1) No person shall, without the written permission of the town committee:—

(*a*) place in front of any building any movable encroachment upon the ground level of any street or the town committee's platform bordering the bazar, streets or over or on any drain, sewer or channel or any movable overhanging structure projecting into the street or platfrom at a point above the said ground level,

(*b*) take up or alter the pavement or other materials or the fences or posts of any street or platform,

(*c*) deposit building materials, goods for sale, or other articles of merchandise on any street or platform; or

(*d*) make any hole or excavation on, in or under any street or platform or remove materials from beneath any street or platform, so as to cause risk of subsidence.

(2) The town committee or the president or the Secretary of the town committee may:—

(*i*) summarily remove or cause to be removed by the Police, any such movable encroachments or overhanging structures and any such materials, goods or articles of merchandise ;

(*ii*) take order summarily to restore the street or platform to the condition it was in before any alteration, excavation or damage.

Explanation:—For the purpose of this clause "movable encroachment" includes a seat or settle, and " movable overhanging structure " includes an awning of any material, *e. g.*, a *chhappar.*

Application of this clause (ll), is in force in the following small town committees:—

Small Town Committee	*P. G. Notification*
Alawalpur	1850 of 28-3-29
Attock	108/A-XIV-14 of 1-9-26 and- 22/A-XIV-14 of 29-3-29
Bhalwal	A-XIV-38/32 of 6-4-31
Budhlada	9 of 3-1-30
Chak Jhumra	763 of 5-1-32
Chawinda	240 of 2-11-31
Chuharkana	11 of 21-1-28
Daska	77 of 28-4-31
Dasuya	6671 of 1-8-27

Small Town Committee	*P. G. Notification.*
Dhariwal	229 of 24-11-30
Fatehgarh	221 of 4-11-30
Fatehjang	102/A-I-221 of 14-8-26 and A-I-22/74 of 14-12-28
Garhshankar	9160 of 16-11-27
Giddarbaha	867 of 6-2-30
Gujarkhan	116/A-I-XIV-16 of 24-11-26 and 5/A-XIV-16 of 21-1-29
Hassanabdal	127/A-XIV-8 of 20-12-26 and 20/A-XIV-18 of 16-3-29
Jalalpur Pirwala	593 of 2-4-30
Jamke	217 of 31-10-30
Kahror	447 of 8-2-28
Kalka	65 of 11-10-26
Kallurkot	61/A-XIV-39 of 20-6-31
Khangah Dogran	31 of 5-3-28
Khanna	6188 of 8-10-26 and 5411 of 19-7-30
Kharar	47 of 25-7-29
Kot chhutta	395 of 15-9-27 & 766 of 21-1-32
Lalamusa	17/A-XIV-32 of 18-2-31
Lalian	557 of 8-7-29
Mehm	61 of 12-7-27
Mailsi	584 of 6-2-30
Majitha	55 of 24-3-31
Malakwal	A-XIV-22/92 of 18-11-27 and 65/A-XIV-22 of 2-12-29
Mandi Dabwali	190 of 24-9-30
Miani	5476 of 22-8-28
Mitranwali	190 of 24-9-30
Nawanshahr	374 of 17-1-27
Nurpur (Kangra)	978 of 11-2-30.
Nurpur (Shapur)	52/A-XIV-27 of 24-9-29
Ramdas	193 of 10-9-31
Sahowala	40 of 16-2-31
Sambrial	28 of 10-2-30
Sangla	181 of 17-9-30
Sankhatra	45 of 24-2-32
Shahdara	103 of 19-5-31
Shahpur city	A-XIV-29/85 of 13-8-31
Shamchaurasi	2075 of 2-4-28

Small Town Committee	*P. G. Notification*
Shorkot	360 of 12-3-27
Sillanwali	39/A-XIV-30 of 20-6-30
Sodhra	187 of 3-9-31
Sujanpur	202 of 17-9-31
Sur Singh	147 of 22-7-31
Tallagang	45/A-XIV-17 of 2-5-31
Tandlianwala	303 of 20-11-25 and 307 of 14-12-25
Tohana	75 of 2-11-26
Vehoa	750 of 3-11-31
Zaffarwal	24 of 2-2-32

Clause (m) and (n) of Section 35.

Clause (*m*) is analogous to sections 174,189&195 of the P.M.A of 1911. This clause provides for the regulating and preventing of the erection or re-erection of buildings. The provision for the prevention of the erection or re-erection of buildings was inserted by clause (*ii*) of section 8 of the Punjab Act, IV of 1925. This clause applies to cases where the construction is to be made on the land which is not part of the street and does not vest in the town committee. But see, P.R. 90 of 1898.

"**Building**" includes any house, portion of a house, and a wall, well, which is not used for agricultural purposes, tank or reservoir." —(clause (*c*) of section 2 of this Act & see notes on it). "Erection or re-erection of buildings" is also defined in clause (*d*) of section 2 of this Act. "Building" may be of masonry, bricks, wood, mud metal or anyother material whatever. It is of a wider significance than a "house" (1857) 26 L.J.Ch. 731. *Prima facie* every building which is capable of being used or adopted to be used as a human habitation is a house.—*Aiyangar's Municipal Corporations 2nd* Ed. p. 566. Building includes a wall in this clause. Therefore, rebuilding a whole wall is erecting a building and sanction is necessary. *Emp. V. Kale Khan Sardar Khan*(1911) I.L.R. 35 Bom 236, see also 26 I.C. 651. The material reconstruction of a small wall, however, can not be said to constitute erection of a building *Emp Vs.B.H. DeSouza*, (1911) 35 Bom. 412. The following have been held not to be new buildings:—hoardings enclosing land used for preparing wood for hoarings—55 J.P. 519 ; a boiler

cased in brickwork, partly underground, 55 J. P. 711; a temporary storehouse for buildings purposes, (1878) 3 C.P.D. 272. A mere wattlefence, Cr.R. 92 of 1998; a reed fence. *Queen Emp. V. Jnardhan*. Un.C.C. 145; mere repairing of a screening wall. *Nanna Mal V. Municipal Board, Hatharas*, (1913) 11 All. L.J.R. 486; a boundary or compound wall has been held to be not a building. .15 C. W. N. 84=7 I. C. 890. But under this clause (*m*) of section 35 of this Act, it would be a building. Pump is not a building. *Jagannath* V. *Emp*. (1917) 9 Cr. L.R. 331=3 L. S. G. G. R. 108; An ordinary wire fence is not a building. *Emp*. V. *Ranchodlal* (1917) I.L.R. 41 Bom. 563=41 I.C. 656. The mere enclosing of a space by canvas screens. is not a building. *Kamata Nath V. The Municipal Board of Allahabad* (1906). I.L.R. 28 All. 199=2 Cr. L. J. 793; see also *Shiam Lall V King Emperor*, (1911) 9 All. L. J. R. 694; *Tripendeswar Mitter* V. *Corporation of Culcutta* (1912) I.L.R. 39 Cal. 84. But a corrugated iron shed is a building. 7 C. L. J. R. 234 ; So is a verandah. 1 Pat. 26=63 I.C. 355. Rebuilding of a wall from its foundation is equivalent. to building 76 I.C. 478.

Erecting and re-erecting of buildings. This expression is defined in section 2 (*d*) of this Act, as including 'any alteration of or addition to any building except ordinary repairs." Adding of one or more storeys to a ground flour of a building after some years, is re-erection. (1907) 9 Bom. L. R. 932 = 6 Cr. L. J. 236. The word 're-erect" has some other element than of addition or alteration or repair. If the repair is of an ordinary character then it is not re-erecting of any portion of the building, but if they are of substantial character, affecting the stability of the building they are re-construction, whether the repairs are done inside or outside the house. See *Hobbs V. Dance* (1873) L.R. 9 C.P. 30; also 39 All. 386. Filling up of arches with bricks is re-erecting—A. W. N. (1904). 233. But the mere additions of a masonary edging to a *Chabutra* attached to a house is not a material alteration of it requiring sanction. 23. I.C. 192. The construction of portions of a house which had been entirely destroyed is a re-erection not mere rapairs. 38 I.C. 305. The mere substitution of new bricks for old ones in a platform on the ground does not constitute anything more than repairs to such platform, *Gopaldas* V. *Municipal Committee, Lahore* (1913) 19 I.C. 781 = 122 P. L. R. 1913. The placing of movable planks

over a municipal drain outside a shop, the planks being put out in the morning when the shop was opened and removed at night, is not erecting a structure. *Emp. V. Muhammad Yusuf*, (1917) I.L.R. 39 All. 386. Digging a grain pit is not erection. 11 All. L. J.R. 688.

Building Bye-Laws.

Bye laws for securing safety and sanitation should be framed. 44 I.C 346. Building bye-laws may also provide for the erection or re-erection of a sufficient water closet, earth closet, or privy and an ashpit. See, 11 Bom. L.R. 1167=4 I.C. 275. Building bye laws may prescribe the height to which a particular building in any particular street could be constructed 49 I.C. 463. A specified time is prescribed within which the municipal corporation is to give its sanction and during that period no work can be done. See 9 Mad. L. J. R. 335 and I. L. R. 1 Patna 42. The period during which the owner has to wait is to be computed from the date when complete plans and specifications are submitted in such a form as makes it possible to consider the same and pass orders. 5 C. W. N. 42 If the committee omits to pass orders within the specified period, the owner may commence work but according to the plans submitted by him and no prosecution can lie against him. See 1 Mad. L. J. R. 37; 9 P. R. 1901 Cr.; 13 P. L. R. 1901; 48 I. C. 889 = 20 Cr. L. J. 89. A local authority has no general discretion to disapprove or withhold approval where there is no infringement of bye laws or statutory requirements. (1883) 8 App. Cas. 798. A municipality cannot refuse sanction on the ground that portion of the land is required for widening a lane. *Queen-Empress* V. *Veeramal*, (1893) I. L R. 16 Mad. 230. Sanction required of a local authority is only with reference to buildings to be erected on private property and has no application to a structure that projects over a street. In such cases, the Municipality has full power to withhold permission for the building of a structure; and a Civil Court has no jurisdiction to interfere. *Ganga Ram V. Municipal Committee, Amritsar.* (1922), 68 I. C. 675. A sanction to build is absolute. *Aiyangar's Municipal Corporations, 2nd Ed. p.* 584, and can not be revoked afterwards. See, 30 Cal. 317=7 C. W. N. 329; 6 I. C. 431. Sanction once given to raise a building cannot be revoked. *Ibrahim V. The Municipal Committee of Lahore.* P. L. R. 1900, 385=52 P. R. 1900. See *Vithal Dhondde* V. *The Alibag Municipality*, 42 Bom. 629; see also, 45 Bom. 797. A municipal committee

has no right to impose restrictive conditions on the owners of building. *Ali Mardan* V. The *Municipal Committee of Kohat*, 80 P. L. R. 1905=45 P. R. 1905, see also 58 P. R. 1907.

Repairs do [not require any sanction of the local body. Where the upper portion of a screening wall of a privy fell down and was repaired, it was held that sanction was not necessary. *Nanna Mal* V. *Municipal Board, Hatharas*. (1913) 11 All. L. J. R. 486.

Under clause (n) of section 35

Clause (*n*) relates to the provision, repair or removal of drains, privies and latrines. This clause is analogous to sections 125 to 128 of the Punjab Municipal Act, 1911. These provisions are intended to sécure better sanitation.

Cesspool. - is a pit into which a drain discharges its contents *Drain* means a channel for the flow of offensive matter. A pit can be called a cesspool. Masonary reservoirs intended to receive surplus rain water from the floor of a house and to receive rice water from the kitchen, were held to be not cesspools. 40 I. C. 552. Latrine includes a water closet. 50 I. C. 247. Acquisition of a right of easement with respect to drain is no bar to committee's taking action under the section requiring the removal of such a drain. 26 I. C. 781.

Clause (m) and (n) of section 35, relating to the regulation of the erection or re-erection of buildings, including the prevention of erection or re-erection of any building for any reason the committee may deem to be just and sufficient or in pursuance of a general scheme sanctioned by the Commissioner restricting the erection or re-erection of buildings or any class of buildings.—Clause (*m*)—and the provision, repair or removal of drains, privies and latrines ;

MODEL OF A GENERAL ORDER.

Part A.--Provisions relating to the notice required of an intended structure.

1. Every person intending to erect or re-erect any building shall apply for sanction for such erection or re-erection in writing to the secretary of the committee in form S. T. M. A. append ed to this order, and shall at the same time submit.—

(*a*) a site plan of the land on which it is intended to erect or re-erect the building ;

(*b*) a plan of the building which it is proposed to erect or re-erect ;

(*c*) the specifications detailed in form S. T. M. B. appended to this order.

Copies of forms S. T. M. A. and S. T. M. B. may be obtained free of charge at the office of the small town committee.

2. The site plan must be drawn to a scale of not less than one eighth of an inch to the foot, must be submitted in duplicate each copy being signed by the applicant and must show—

(*a*) the direction of the north point ;

(*b*) the boundaries of the site ;

(*c*) the position of the site in relation to neighbouring streets and the level of the site in relation to the streets, if any, and which it abuts and the names of such streets ;

(*d*) the position of the proposed building in relation to (*i*) the boundaries of the site and (*ii*) and buildings and premises within fifty feet of the boundaries of the site ; and the names of the owners of such buildings and premises ;

(*e*) the names, if any, and width of all streets on which the site abuts ;

(*f*) the scale to which the plan is drawn.

3. The building plan must be drawn to a scale of not less than one eighth of an inch to the foot, must be submitted in duplicate, each copy being signed by the applicant and must show—

(*a*) the plan of the ground floor and of every additional floor;

(*b*) the position and dimensions of all projections beyond the main walls of the building;

(*c*) the position of all proposed drains, privies, latrines, urinals and cess-pools;

(*d*) the level and width of the foundations and the leve of the lowest floor with reference to the level of the street on which the front of the proposed building is to abut;

(*e*) in distinctive colours, the material of which the proposed works are to be constructed, a key to the colours being given on the plan;

(*f*) the scale to which the plan is drawn.

PART B.—PROVISIONS AGAINST ENCROACHMENTS FRONTAGES.

4. No portion of any building in a street in which a line of frontage has been fixed by a resolution of this committee shall be built to project beyond such line of frontage:

Provided that this paragraph shall not be held to apply to a building existing on the date of the publication of this general order or re-erected on the site thereof.

5. No portion of any building abutting on any street to which from time to time the committee may, by resolution, declaret his clause to apply shall be built within 20 feet of what was the centre of such street at the time of the passing of t his order and no portion of any building abutting on any other street shall be built within 10 feet of what was the centre of such street at the time of passing of this order, provided that when the town

committee has fixed a line to regulate the frontage of buildings in any street, the town committee may permit a building to be constructed up to that line irrespective of the distance of any portion of it from the centre of the existing street.

PROJECTIONS AT GROUND LEVEL.

6. (1) No person shall construct any projection beyond the outer wall of a building abutting on a street unless it complies with the following conditions:—

(*a*) that the projection is supported entirely by the building to which it is attached;

(*b*) that the projection does not extend more than 2 feet from the face of the building to which it is attached;

(*c*) that the projection does not extend beyond the road side edge of any drain below the projection;

(*d*) that the vertical distance from the underside of the projection and the road surface at the outer edge of the drain is not less than one foot;

(*e*) that the clear space between any portion of the projection and the centre line of the street is not less than six feet in streets which have been or may be classed by the committee as residential streets or eight feet in other streets.

(2) Where access is not required for wheeled vehicles and the height of the floor of the houses is less than one foot above the road at the road side edge of the drain any steps required shall be constructed within the building and no projection shall be constructed.

STEPS.

7. If the ground level of a house is more than one foot above the level of the road at the road-side edge of the drain access can be arranged by means of steps supported on contievers, provided that they comply with the provisions of clause

(1) of paragraph 6, but in such case—

(a) the steps shall not extend laterally beyond the edges of the door way ;

(b) the steps shall be of wood, stone or cement concrete not less than two inches thick ;

(c) notwithstanping anything contained in sub-clause (a) of clause (1) of paragraph 6, brackets may be placed under the steps to support them ; provided that if more than one bracket is placed under any one step the distance from the centre of any one such bracket to the centre of the next bracket shall be not less than one and a half feet ; provided furthr that no such bracket shall extend more than 6 inches below the under side of the step and shall not project beyond it.

PROJECTION AT UPPER FLOOR LEVELS.

8. (1) No balcony or similar over-hanging structure of any kind shall be constructed so as to project over a street to a distance which will render the clear space between any portion of such balcony or structure and the centre line of the street less than six feet in the case of streets which have been or may be classed by the committee as residential streets or eight feet in the case of other streets.

(2) The over-all projection of a balcony or like structure from the face of the buildings shall not exceed two feet in the case of streets less than 20 feet wide and three feet in the case of other streets. No projection should be made before the height of 15 feet.

GENERAL SCHEMES.

9. No person shall construct any building or portion of a building in contravention of any general scheme sanctioned by the Commissioner, restricting the erection or re-erection of buildings or any class of buildings.

10. No person shall construct any building or portion of a building in any way projecting over or encroaching on any land which is the property of Government or of the town committee except so far as is permitted in paragraphs 6, 7 and 8 of this order.

PART C.—SANITARY REQUIREMENTS.

Sanitary Provisions

11. No person shall construct any open sewer or drain so as to pass through any room used or intended to be used as a living or sleeping room.

12. No person shall construct any drain within the thickness of any wall of a building.

13. No person shall construct any spout or gargoyle (*parnallah*) for the disposal of roof drainage so as to project over any public street.

14. Masonry latrines and privies which are not water borne shall be so constructed that all solids shall fall directly into movable receptacles of metal or pottery fitting class beneath the seat.

15. A drain shall be provided for every latrine, privy urinal, bathroom and cooking place. Such drain shall be constructed of burnt bricks and cement or other impervious material and shall connect the floor of the latrine, privy, urinal, bathroom or cooking place with—

(*a*) a masonry drain of the committee, or

(*b*) a private cesspool constructed as herein after prescribed in paragraph 18.

16. The floor of every latrine, privy or urinal—

(*a*) shall be of masonry or of tiles or of cement,

(*b*) shall be in every part at a height of not less than three inches above the level of the surface of the

ground adjoining the latrine, privy or urinal, and

(*c*) shall slope to the drain in such a way that liquid will flow off quickly.

17. No person shall construct a latrine, privy or urinal that is not provided with adequate ventilation which in the case of latrine, privy or urinal situated in or near a building shall be effected by an opening not less than one foot square in area in one of the walls, as near the top of the wall as may be practicable and communicating directly with the open air.

18. No person shall construct a private cesspool :—

(*a*) unless there is no drain of the committee within 100 feet of the premises for which it is required,

(*b*) except within the boundaries of private land,

(*c*) except a cesspool of masonry with a cast iron or wooden movable covering,

(*d*) unless adequate access is provided thereto for the purpose of cleansing it, and

(*e*) within 100 feet of any inhabited building.

19. No dwelling house of not more than two storeys including the ground floor shall have an interior yard of a superficial area of less than 225 square feet and no dwelling house of more than two storeys including the ground floor, shall have an interior yard of a superficial area of less than 400 square feet.

20. (1) No person shall construct an interior yard which is not raised at least one foot above the level of the nearest street so as to admit of easy drainage into such street.

(2) No person shall construct an interior yard which is not open to the sky throughout its entire area and kept accessible for the purpose of cleansing and no person shall erect any structure except open fencing for protection against monkeys within oor above or so as to prect the yard.

21. No person shall construct any room to be used as a living or sleeping room with a superficial floor of less than 144 square feet.

PART D.—PROVISIONS RELATING TO THE GRANT AND EFFECT OF SANCTION.

22. When an application is received for sanction for the erection or re-erection of any building under paragraph 1 of this order the secretary after satisfying himself that the application and the plans are in order, will forward it to the president for orders. The president will send it to the ward member for visiting the spot in company with another member deputed by the President and report. The ward member and the other member deputed by the president will present the report before the committee. In case of an incorrect application it will be returned to the applicant for necessary correction and no record of it will be kept in the office, otherwise the town Committee will adopt the following procedure :—

(*a*) If the building would, if constructed, be in conformity with the provisions of this order, the town committee shall sanction the application and send intimation of the sanction to the applicant, together with one copy of the plan and the original application in form S. T. M. A. both being signed by the president ;

(*b*) If the building would, if constructed, contravene paragraphs 9 and 10 of this order, the town committee shall refuse to sanction the application and intimation of their refusal shall be sent to the applicant ;

(*c*) If the building would, if constructed, contravene any other paragraph of this order, the town committee shall return the application and the plans submitted therewith for such correction as may be necessary in order that the proposed building may conform with the provisions of this order and when such correction has been made the applicant may submit a fresh application under the provisions of part A of this order.

23. If the town committee fails before the sixtieth day from the date of the receipt of an application submitted under the provisions of paragraph 1 of this order either to return the application for correction under the provisions of clause (*c*) of paragraph 22 of this order or to pass orders sanctioning or refusing to sanction the application under the provisions of clause (*a*) or clause (*b*) of that paragraph the applicant may proceed with the erection or re-erection of the building to which the application relates :

Provided that nothing contained in this section snall be deemed to authorise the erection or re-erection of any building in contravention of any of the provisions of Part B or C of this order or of any general scheme sanctioned by the Commissioner restricting the erection or re-erection of building or any class of buildings or encroaching on or projecting over land, which is the property of Government or the town committee except is permitted in paragraphs 6, 7 and 8 of this order.

24. Every sanction for the erection or re-erection of any building which shall be given or he deemed to have been given by the committee shall remain inforce for one year only from the date of such sanction and should the erection or re-erection of the building not have been commenced within the said period of one year the sanction shall be deemed to have lapsed, but such lapse shall not bar any subsequent application for such sanction under the foregoing provisions of this order.

25. Should a building be begun or erected after the publication of this general order—

(*a*) without sanction as required by this order ; or

(*b*) without notice as required by paragraph 10 of this order ; or

(*c*) when sanction has been refused ; or

(*d*) in contravention of the terms of any sanction granted; or

(*e*) when the sanction has lapsed ; or

(*f*) in contravention of any parapraph of this general order.

It shall be considered that the owner thereof has committed a breach of the general order and he shall be liable to punishment under saction 38 of the Punjab Small Towns Act, 1921.

26. No compensation shall be claimable by any person for any damage which he may sustain in consequence of the committee's refusal to sanction the erection of any building.

Form S. T. M. A.

(All entries on this side to be filled in by the applicant.)

From

____

____

____

To

The Secretary,

Town Committee,———

I hererby apply, as required by the general order of the committee for sanction to erect or re-erect a building with—

*(*i*) an immovable/movable encroachment __________ wide

(*ii*) an immovable/movable overhanging structure __________ wide as specified in Form B situated in __________.

I attach the plans and the specifications of the proposed building in duplicate.

Signature____________________

Dated ____________________

*Note—cross out any or both.

Form S. T. M. A.

(All entries on this side to be filled in by the committee's office).

Serial number of application ______________________

Name of applicant ______________________

Site of building (name of street, quarter etc.) ______________________

____

Abstract of application ______________________

____

____

Received by Secretary ______________________

Signature of Secretary

Date by which the orders of the committee must be communicated to the applicant ______________________

____

Forwarded to the small town overseer for report on ______

Signature of Secretary

Returned to Secretary on ______________________

Signature of Small Town Overseer

Submitted to the building sub-committee

Signature of Secretary

Submitted to the committee on ______________________

Abstract of orders of the committee ______________________

____

____

____

Signature of Secretary

Form S. T. M. B.

(Specifications of proposed Building.)

1. In the case of the erection/re-erection of an entire house or considerable portion of a house—

(*a*) in case of re-erection of a house, the house number, if any, of the house to be re-erected ;

(*b*) the purpose for which it is intended to use the building ;

(*c*) the materials to be used in constructions of the walls ;

(*d*) the number of storeys of which the building will consist ;

(*e*) the positions and the dimensions of all doors, windows and ventilation openings ;

(*f*) whether the side has been built upon before or not if so the date when the previous building ceased to be fit for occupation.

2. In case of minor alterations :—

(*a*) a description of the alterations or additions proposed;

(*b*) the material to be used for such alterations or additions.

Signature ____________________

A general order under clauses (*m*) and (*n*) of section 35, is in force in the following small town committees :—

Small Town Committee	*P. G. Notification*
Attock	107-A-XIV-14 of 1-9-26 and 28-A-XIV-14 of 28-5-30
Baddomalhi	163 of 2-9-30 and 197 of 3-10-30
Bhalwal	34-A-XIV-38 of 18-4-31
Budhlada	51 of 13-7-31
Chakwal	12-A-I-235 of 17-1-27 and 54-A-XIV-25 of 21-7-30
Chawinda	176 of 1-9-31 and 210 of 24-9-31
Daska	82 of 28-4-31
Dharamkot	2691 of 20-4-30
Dhariwal	94/95 of 14-5-30 and 116-A of 27-6-30
Fatehgarh	27 of 19-6-26 and 68 of 7-4-31
Fatehjang	96-A-I-221 of 7-8-26 and 82/A-I-221 of 21-9-27 and 7/A-I-22 of 31-1-30
Garhshankar	3947 of 18-6-27
Gujarkhan	A-XIV-16/75 of 22-12-28 and A-XIV-16/2 of 10-1-29 and A-XIV-16/88 of 22-11-30
Guruharshai	7984 of 1-11-30
Hassanabdal	A-XIV-18/69 of 29-11-28 and 128/A-XIV-8 of 20-12-26 and 29/A-XIV-18 of 30-5-30
Ichhra	214 of 29-9-31
Jaijon	2324 of 23-4-29
Jamke	131 of 25-7-30 and 176 of 9-9-30
Kahror	484 of 26-6-28
Kalka	80 of 10-11-26
Kallurkot	A-XIV-39/107 of 5-9-31
Khangah Dogran	98 of 14-5-30 and 117 of 27-6-30
Khanna	1008 of 11-2-26 and 5846 of 28-9-26 and 1212 of 21-2-30 and 2765 of 16-4-31
Khanpur	1862 of 1-4-29
Kharar	69 of 25-10-29
Kotchhutta	426 of 22-11-27
Lalamusa	66 A-I-197 of 11-9-25
Lalian	550 of 7-6-29
Malakwal	83-A-I-215 of 21-3-26
Mandi Dabwali	75 of 27-10-30

Small Town Committee	*P. G. Notification*
Mehm	37 of 21-5-28
Miani	5475 of 22-8-28
Mittranwali	150 of 13-8-30
Narot Jaimal Singh	101 of 18-5-31
Palampur	3005 of 17-5-27
Pattoki	208 of 20-10-30 & 226 of 14-11-30
Pindi Bhattian	96 of 14-5-30 and 117 of 27-6-30
Pundri	82 of 23-12-29
Qadian	93 of 8-5-31 and 111 of 10-6-31
Radaur	76 of 5-12-29
Ramdas	152 of 7-8-31
Ramnagar	62 of 2-4-31
Sahowala	241 of 12-12-30
Sambrial	46 of 7-3-31
Sangla	99 of 14-5-30 and 117 of 27-6-30
Sankhtra	3 of 22-2-32
Shahdara	121 of 16-6-31
Shahpur city	122/A-XIV-29 of 13-11-31
Shamchaurasi	655 of 31-1-29
Sillanwali	76/A-XIV-30 of 24-10-30
Sohdra	97 of 14-5-30 and 117 of 27-6-30
Sujanpur	94/95 of 14-5-30
Sultanwind	100 of 14-5-30 and 117 of 27-6-30
Tallagang	113-A-XIV-17 of 19-10-26 and 11/A-XIV-17 of 25-2-30
Tandlianwala	492 of 13-8-28
Toba Tek Singh	731 of 20-8-31
Tohana	52 of 6-6-27
Una	2624 of 5-5-26
Vehoa	652 of 16-10-30
Zafarwal	28 of 15-2 32

Clause (o) of section 35.

Clause (*o*) of section 35 is analogous to section 183 of Pb. M. Act, 1911 ; sec. 350 Beng. Act, III of 1884; sec. 253 U.P. Act, II of 1916.

These provisions should be used for the providing of lights in vehicles other than motor vehicles, at night. The motor vehicles are already required to have lights under the Punjab Motor Vehicles Rules, 1931. Time during which lights should be required must be given in the order. Otherwise prosecutions for the breach of this order would be difficult.

Uuder clause (o) of section 35, relating to the prohibition of driving any vehicle after dark without proper lights.

MODEL OF A GENERAL ORDER.

1. All licensed vehicles may ply for hire by night subject only to the following conditions :—

(*a*) A cart or *rehri* shall have a lantern attached to it in such a position as to be conspicuous from in front and from behind.

(*b*) A tonga or tum tum shall have two lights affixed in the usual place, one on the right and one on the left side.

(*c*) A motor vehicle shall have two lights affixed in the usual place in front and a red light behind, as is required by the Punjab Motor Vehicles Rules, 1931.

(*d*) No vehicle shall be driven without proper lights as mentioned above, between the period half an hour after sunset and half an hour before sunrise.

A general order under clause (*o*) of section 35, is in force in the following town committees:—

Small Town Committee	*P. G. Notification*
Kalka	36 of 25-5-31
Kharar	65 of 14-10-29
Pindi Bhattian	237 of 29-10-31
Radaur	43 of 9-6-31
Shahdara	129 of 6-7-31
Sillanwali	A-XIV-30/74 of 7-7-31
Sujanpur	213 of 29-9-31

Clause (p) of section 35.

Clause (*p*) of section 35, provides for the licensing of premises for the manufacture, preparation for sale or sale of articles of food or drink, and the regulation of the transport within the small town of articles of food and drink. This clause is analogous

to section 197 of the Punjab Municipal Act, III of 1911. This provision too, is intended to secure sanitation and wholesome articles of food and drink by regulating the premises at which they are prepared for sale or are sold and the manner they are imported into the small town committee area.

The term 'food' includes every article used for food or drink by man, other than drugs, or water, and any article which ordinarily enters into or is used in the composition or preparation of human food, and also includes flavouring matters and condiments. *The Sale of Food and Drugs Act.* 1899 sec. 6 "Food" does not include drink, such as aerated waters etc. *Crown Prosecutor V. Gangpatty.* (1914) I. L. R. 39 Mad. 362. Tea or tea-dust is an article of human food or drink. *Corporation of Culcutta V. Pagli.* (1919) I. L. R. 47 Cal. 53=23 C. W. N. 911 The committees ought to make provision for the inspection of animals, carcasses, meat, poultry, game, flesh, fish fruit, vegelables corn. bread, flour, milk, ghee, butter, oil or any other article prepared for manufacture or sale or sold or transported within the small town.

Clause (p) of section 35, relating to the licensing of premises for the sale of fruit or vegetable.

MODEL OF A GENERAL ORDER.

1. No person shall within the small town limits, sell wholesale or by auction, any fruit or vegetable in premises other than premises for the purpose by the committee in this behalf.

A general order under clause (*p*) of section 35 of the Punjab Small Town Act, 1922, relating to the licensing of premises for the sale of fruit or vegetable is in force in the following Small Town Committees :—

Small Town Committee	*P. G. Notification*
Alawalpur	411 of 20-1-28
Gujarkhan	A-XIV-16/46 of 16-5-31
Hassanabdal	A-XIV-18/1 of 11-1-27
Kahror	484 cf 26-6-28
Kot Rai Buta Mal *Cum* Azamabad	223 of 8-11-30

Small Town Committee	*P. G. Notification*
Lalamusa	54/A-XIV-32 of 18-6-31
Malakwal	82-A-I-215 of 21-5-26
Mehm	15 of 18-2-27
Ramnagar	see P. G. G. of 25-2-32
Sangla	67 of 7-4-31
Shahdara	43 of 9-11-26
Toba Tek Singh	336 of 15-6-26

MODEL OF A GENERAL ORDER.

Under clause (p) of section 35 relating to sale of meat.

1. Meat shall be sold only in the shops licensed by the small town committee.

NOTE:—The term meat means the flesh of sheep, goat and fish only.

2. No shop for the sale of meat shall be licensed unless the floor is made up of stones and the walls are properly plastered and white-washed and are provided with adequate light and ventilation to the satisfaction of the Medical Officer in charge of the district.

3. Licenses shall remain in force till 31st March next following the date on which they were granted. A fee of Rs. six will be charged for such license.

4 The following shall be the condition of the license:—

(*a*) That the premises, receptacles and wooden boards, knives and everything used in meat cutting and mincing, be kept clean and that the wooden boards for cutting meat be covered with a zinc sheet;

(*b*) that all meat be covered with clean covering or kept in gauze safe;

(*c*) that no meat be exposed for sale which has been blown out, artificially stuffed, nor the flesh of any animal which has died from any disease or other

natural cause, nor any meat which is decayed or in a rotten condition;

(*d*) that no waste meat, trimmings, bones, refuse or offensive matter be thrown into the public street.

5. The president is authorised to grant licenses on the conditions stated in rules, 2, 3, and 4 on behalf of the committee after consultation with the Medical Officer in charge of the district The license of any person committing a breach of the conditions of his license shall be liable to forfeiture by order of the President.

6 Any one selling meat in a place not licensed by the Small Town Committee shall be punishable under section 38 of the Small Towns Act, 1922.

The Small Town Committees in which a general order under clause(*p*) of section 35 relating to the sale of meat, is in force are as follows:—

Small Town Committee	*P. G. Notification.*
Bhalwal	A-XIV-38/40 of 22-4-31
Dasuya	142 of 8-1-29
Khanna	2727 of 27-4-28 and 2363 of 8-4-30
Malakwal	81-A-I-213 of 17-5-26
Nawanshahr	559 of 29-1-29
Nurpur	280 of 14-1-29
Palampur	3208 of 17-5-27
Srigobindpura	5 of 7-1-32

Clause (p) relating to Vegetable Ghi etc.

MODEL OF A GENERAL ORDER.

1. No person shall sell vegetable ghi or articles made thereof within the town limits except in premises licensed by the town committee in this behalf.

2. Vegetable ghi shall not be sold mixed with ordinary ghi.

3. Licenses for premises for the sale of vegetable ghi or articles made thereof shall be issued by the president or in his absence the vice president of the committee in form "A" appended to this general order to persons applying for them, subject to the conditions laid down in that form.

4. A fee of Rs. 100 shall be charged for each license.

5. Licenses issued shall be current for not more than twelve months and shall in any case terminate on the 31st of March immediately succeeding the date of issue.

6. Any one selling vegetable ghi in a place not licensed by the small town committee, shall be punishable under section 38 of the Small Towns Act, 1922.

SMALL TOWN COMMITTEE.

Form A.

Licenses for premises for the sale of vegetable ghi or articles made thereof, issued under clause 2 of the general order published with Commissioner.............Division's Notification No.———, dated———— 1932.

The premises of which a description is given in the attached schedule situated in (name of street, ward etc.) are hereby licensed for the sale of vegetable ghi or article made thereof.

The license is granted to the $\frac{\text{owner}}{\text{occupier}}$ of the said premises on the following conditions :—

(1) That he shall not sell natural ghi or articles made thereof in the licensed premises.

(2) That he shall put a sign board in a conspicuous position in front of the licensed premises with the following words printed thereon in bold type in English, Urdu and Hindi script :—

" Only vegetable ghi or articles made thereof are sold here. "

That the licensed premises shall be open to inspection by any member, Medical Officer of health or Secretary of the small town committee and by any officer of the town committee specially empowered by it in this behalf.

Application of a similar order in the following town committee has been made :—

Small Town Committee	*P. G. Notification*
Alawalpur	1861 of 1-4-29
Chakwal	A-XIV-25/12 of 1-3-30
Dharam kot	2692 of 20-4-30
Gildarbaha	2664 of 22-4-30
Gujarkhan	1/A-XIV-16 of 10-1-29
Guruharsahai	8168 of 11-11-30
Khanna	6478 of 4-10-28
Kharar	18 of 5-2-30
Kot Chhuta	632 of 27-8-30
Mailsi	553 of 12-6-29
Malakwal	62/A-XIV-22 of 11-11-29
Miani	1081 of 12-2-30
Nawanshahr	980 of 11-2-30
Sillanwali	44/A-XIV-30 of 20-6-30
Tohana	25 of 22-3-30 and 74 of 21-10-31

Clause (p) of section, relating to the manufacture or preparation for sale any sweets, aerated water, bread and meat, except in licensed premises.

MODEL OF A GENERAL ORDER.

1. No person shall manufacture or prepare for sale any sweets, aerated water, bread and meat, except in premises licensed by the town committee in this behalf.

2. No premises shall be licensed for the manufacture or preparation for sale of sweets, aerated water, bread and meat :—

(*a*) unless they have a floor made of burnt brick, cement or other impervious materials ;

(*b*) unless the walls are properly plastered and elim-washed ;

(*c*) unless they are provided with adequate light and ventilation to the satisfaction of the president of the town committee ; or the secretary or the medical officer of health appointed for this purpose ;

(*d*) unless they are provided with a drain and the whole floor is sloped as to allow all liquid to flow off by the drain ;

(*e*) if there is any direct communication between the premises and any room used as a sleeping room ;

(*f*) if there is any latrine, cess-pool, cow-shed, stable or other place within 30 feet of the premises which in the opinion of the president renders it undesirable that such premises should be used for the manufacture or preparation for sale of sweets, aerated water, bread and meat.

3. No person shall sell any sweets, aerated water, bread and meat, except in premises licensed by the town committee in this behalf, except a person to whom a hawker's license has been issued.

4. No premises shall be licensed for the sale of sweets, aerated water, bread and meat :—

(*a*) unless suitable arrangement has been made to properly protect the above-mentioned articles from the flies with clean cloth or gauze.

5. Subject to the provisions of paragraphs 2, 4 and 5 licenses for premises for the manufacture or preparation for sale of sweets, aerated water, bread and meat shall be issued by the president or secretary in form S. T. P. appended to this order on the application of the owner or occupier of such premises, and shall be granted subject to the conditions specified in form S. T. P. as the conditions subject to which the license is granted.

6. Licences issued, in accordance with paragraph 3, shall be current for not more than twelve months, and shall in any

case terminate on the 31st March, immediately succeeding the date of issue.

7. On the breach of any of the conditions of the license by the licensee or his agent, the town committee may forthwith cancel the license, and the licensee shall be entitled to no compensation on account of such cancellation.

Form S. T. P.

Small Town Committee, ...

License for $\frac{\text{premises for the manufacture or preparation for sale}}{\text{sale}}$ of ________________________ issued under paragraph 3 for licensing premises.

The premises, of which a description is given in the attached schedule, situated in (name of street, ward, etc.) are hereby licensed, for the $\frac{\text{manufacture or preparation for sale}}{\text{sale}}$ of ____________

____

This license is granted to $\frac{\text{owner}}{\text{occupier}}$ of the said premises subject to the following conditions :—

1. That he shall not employ or permit to be employed in the $\frac{\text{manufacture or preparation for sale}}{\text{sale}}$ of ____________

   ____

   any person suffering from any contagious or infectious disease or from loathsome sores or who has recently been attending on any person so suffering, and, that he shall not suffer any such person or any animal to enter or remain upon the licesned premises.

2. That he shall daily cause to be thoroughly washed and cleansed the flour and drain of the licensed premises, and every bench, counter table, shelf or other place on which the articles $\frac{\text{manufactured or prepared for sale}}{\text{sold}}$ and any material used in such

$\frac{\text{manufacture or preparation for sale}}{\text{sale}}$ are kept.

3. That he shall cause the walls of the licensed premises to be properly lime-washed at least twice a year, and more often if so required by the president of the committee.

4. That he shall not spit or smoke or suffer any other person to spit or smoke within the licensed premises.

5. That he shall not keep or suffer to be kept in the licensed premises any bedding, soiled clothes, or other things not required for the $\frac{\text{manufacture or pre-paration for sale}}{\text{sale}}$ of __________

6. That he shall permit the president, secretary or medical officer of health of the town committee authorised in this behalf at all reasonable times and without notice to inspect the licensed premises.

7. That he shall keep all vessels, receptacles, utensils and other things used for the purpose in a state of thorough cleanliness, and that he shall daily cause to be thoroughly washed, and cleansed the floors, drains and every bench, counter, table, shelf or other materials used in the process of manufacture.

8. That he shall duly pay to the town committee the fee that may from time to time be imposed under section 41 of the Punjab Small Towns Act.

(For articles other than vegetable.)

9. That he shall take such measure as may be required by the president to protect articles of food from flies by means of wire--gauze.

(*For meat only.*)

10. That the wooden boards for cutting meat be covered with a zinc sheet.

11. That no meat be exposed for sale which has been blown out, artificially stuffed ; nor the flesh of any animals which has died from any disease or other natural cause, nor any meat which is decayed or in a rotten condition.

(*For milk only.*)

12. That no milk be exposed for sale that is mixed with water.

(*For aerated water and bread only.*)

13. That he shall not use any water obtained from a source and conveyed to the premises in a manner not approved by the president, secretary or medical officer of health of town committee authorised in that behalf.

A general order under clause (*p*) of section 35, is in force in the following small town committees :—

1. *Milk and curd.*

Small Town Committee	*P. G. Notification*
Hassanabdal	A-XIV-18/70 of 29-11-28
Khanna	6973 of 11-8-27
Nurpur	5821 of 21-10-25
Shahdara	104 of 19-5-31 and 127 of 25-6-31

2. *Sweatmeat and Bread.*

Small Town Committee	*P. G. Notification*
Bhalwal	A-XIV-38/40 of 22-4-31
Mitranwali	182 of 24-9-30
Shahdara	104 of 19-5-31 and 127 of 25-6-31
Srigobindpura	5 of 7-1-32

3. Aerated water, ice etc.

Small Town Committee	*P. G. Notification*
Bhalwal	A-XIV-38/40 of 22-4-31
Chakwal	13-A-I-235 of 17-1-27
Giddarbaha	3790 of 26-5-31
Hiddayatpore Chhaoni	12 of 3-2-28
Kharar	24 of 17-3-30
Mitranwali	182 of 24-9-30
Shahdara	104 of 19-5-31 and 127 of 25-6-31
Sillanwali	A-XIV-30/93 of 13-8-31
Srigobindpura	5 of 7-1-32

Clause (q) of section 35.

Clause (*q*) of section 35, relates to the licensing of vehicles kept or plying for hire, the control of traffic, the setting apart of places where vehicles plying for hire may stand. This clause is analogous to section 188 (*a*) (*b*) and (*p*) of the P. M. Act, 1911.

Kept and plying for hire.—"Kept" means kept permanently. If a vehicle is kept very often during the night after its use within the limits of a committee it is surely "kept" within the committee. Under this clause keeping and hiring are severally dealt with. Plying for hire means being engaged to be employed for carrying passenger or goods or waiting for such purposes within the town committee.

Plying for hire—"To ply for hire" means to exhibit a vehicle in such a way as to invite those who may desire to do so to hire it or to travel in it on payment of the usual fares and also to offer its use on payment to any member of the public thereby soliciting custom. A. I. R. Mad. 166 Foll. *Sardul Singh V. Emperor*. 116 I. C. 885=10 Lah. 505. See also, A. I. R. 1930 Bom. 161. see also, 132 I. C. 702

The Act has empowered the town committees under this clause to regulate traffic of the streets. The committee is entitled to close a street for a particular class of traffic. 50 I. C. 215.

Clause (q) of section 35, relating to forbidding cyclists from carrying others and exceeding speed limit.

MODEL OF A GENERAL ORDER.

1. No person riding a bicycle or motor cycle on any street or public place shall be permitted to carry on any other person on the same bicycle or motor cycle as the case may be and no person shall ride or cause or suffer himself to be carried on a bicycle or a motor cycle or a motor car or lorry on any street or public place except on the ordinary saddle of such bicycle or motor cycle or seats of motor car or lorry provided that nothing contained in the general order shall apply to a person riding on proper pillon seat on a motor cycle only.

2. No person shall drive any motor vehicle within the limits of the small town at a speed exceeding ten miles per hour.

A general order under clause (*q*) of section 35, is in force in the following small town committees :—

Small Town Committee	*P. G. Notification*
Kalaswala	72 of 2-1-30
Nawanshahr	6096 of 23-9-31

Clause (q), relating to requiring of vehicles for hire to stand at a specified stand.

MODEL OF A GENERAL ORDER.

1. " The owner or driver of a motor vehicle or tonga, let or plying for hire, shall keep his vehicle waiting for hire at the stand appointed by the small town committee for the purpose. "

2. Any one committing the breach of this order shall be punishable under section 38 of the Punjab Small Towns Act, II of 1922.

A general order under clause (*q*), of section 35, relating to the requiring vehicles for hire to stand at a specified place, is in force in the following towns :—

Small Town Committee	*P. G. Notification*
Alawalpur	3502 of 1-6-27
Attock	45/A-XIV-14 of 30-8-29
Chakwal	41/A-XIV-25 of 13-8-29 and 79-A-XIV-25 of 7-11-30
Dhariwal	88 of 2-5-31
Fatehjang	16-A-I-221 of 9 4-30
Giddarbaha	6855 of 18-9-30
Gujarkhan	59-A-XIV-20 of 22-7-30
Kangra	160 of 7-1-31
Kharar	65 of 14-10-29
Lalamusa	2/A-I-234 of 13-1-27
Malakwal	87-A-I-215 and A-I. 215/71 of 16-8-27
Palampur	8341 of 22-10-31
Pattoki	31 of 12-6-31
Sangla	25 of 19-6-26
Sillanwali	41/A-XIV-30 of 20-6-30
Sur Singh	69 of 17-12-29
Tallagang	27/A-XIV-17 of 27-5-29
Tandlianwala	507 of 25-10-29
Tulamba	646 of 29-9-30

Clause (q) relating to the keeping or plying for hire or cause to ply for hire a vehicle, without license.

A general order under clause (*q*) of section 35 relating to the keeping or plying for hire or cause to ply for hire a vehicle, without license, is in force in the following small town committees :—

Small Town Committee	*P. G. Notification*
Kalka	36 of 25-5-31
Pindi Bhattian	237 of 29-10-31
Radaur	43 of 9-6-31
Shahdara	129 of 6-7-31
Sillanwali	A-XIV-30/71 of 7-7-31
Sujanpur	213 of 29-9-31

Clause (r) of section 35

MODEL OF A GENERAL ORDER

1. No person shall picket or cause to be picketted any cattle in any street or public place without permission of the small town committee.

2. Any one committing a breach of this order shall be punishable under section 38 of the Punjab Small Towns Act, 1922.

A general order under this clause is in force in the following town committees :—

Small Town Committee	*P. G. Notification*
Alawalpur	1852 of 28-3-29
Bhopalwala	156 of 7-8-31
Chakwal	7/A-I-235 of 17-1-27
Chawinda	231 of 16-10-31
Chuharkana	82 of 18-8-27
Daska	80 of 28-4-31
Dharam Kot	2924 of 21/22-5-29
Dhariwal	30 of 5-3-28
Fatehjang	94-A-I-221 of 23-12-30
Giddarbaha	2032 of 27-3-30
Gujarkhan	A-XIV-16/76 of 22-12-28
Guruharsahai	8169 of 11-11-30
Jaijon	8862 of 5-12-30
Jalalpur Pirwala	771 of 2-2-32
Jamke	218 of 31-10-30
Kahror	453 of 27- -28
Kangra	4172 of 16-6-31
Kallurkot	A-XIV-3/59 of 20-6-31
Khangah Dogran	209 of 27-10-30
Khanna	6365 of 28-8-30
Kharar	45 of 25-7-29
Killa Sobha Singh	10 of 18-1-32
Lalamusa	12/A-XIV-32 of 11-2-31
Mailsi	541 of 15-4-29
Mehm	47 of 12-6-28
Miani	2875 of 16-5-29
Mittranwali	184 of 24-9-30
Nawanshahr	3552 of 2-6-27
Padhana	155 of 8-2-30
Palampur	2989 of 23-4-31
Sankhatra	46 of 24-2-32
Zafarwal	31 of 15-2-32

Small Town Committee	*P. G. Notification*
Radaur	780 of 5-12-29
Sahowala	41 of 16-2-31
Sambrial	29 of 10-2-31
Shahdara	2144 of 4-4-28
Shahkot	8 of 5-1-30
Shahpur city	A-XIV-29/84 of 13-8-31
Shamchaurasi	2144 of 4-4-28
Sillanwali	67-A-XIV-30 of 13-9-30
Sodhra	196 of 16-9-31
Sujanpur	182 of 2-9-31
Sultanwind	207 of 18-10-30
Sur Singh	14 of 30-1-28
Tohana	65 of 2-8-27 and 79 of 17-9-27

Clause (t) of section 35

Clause (*t*) of section 35, relates to the prohibition of brick-kilns and potters' kilns in any specified area. Why lime-kilns are not included in this clause seems to be nothing else but a mistake. This clause is provided with a view to prevent injurious gases and noxious smell unhealthy for the inhabitant of the committee.

Clause (*t*) of section 35, relating to the prohibition of kilns without permission :—

MODEL OF A GENERAL ORDER.

Brick kilns and potters' kilns are pohibited within the town area, without permission of the town committee.

A genral order under clause (*t*) is in force in the following small town committees :—

Small Town Cmomittee	*P..G. Notification*
Alawalpur	1825 of 28-3-29
Hidayatpur Chhaoni	9 of 30-1-28
Kot Chhutta	449 of 26-3-28 and 445 of 24-4-28
Talagang	67 A-XIV-17 of 11-12-29 and A-XIV-17/114 of 24-9-31
Vehoa	653 of 16-10-30

MODEL OF A GENERAL ORDER

Under clause (u) of section 35, relating to the licensing of premises for sale or storage of kerosine oil, spirit, petrol or other explosive material in licensed places only.

1. No person shall sell or store kerosine oil, spirit, petrol or other explosive material at any place within the limits of the small town, except in premises licensed by the town committee in this behalf : provided that no such license shall be necessary for storage or sale of one tin of kerosine oil.

2. Licenses for premises for the sale or storage of the materials mentioned in clause 1 of this order shall be issued by the president or in his absence the vice-President or Secretary in the form S. T. U. appended to this order on the application of the owner or occupier of such premises and shall be granted subject to the conditions specified in form S. T. U. as the conditions subject to which the license is granted.

3. Licenses issued in accordance with clause 2 shall terminate on the 31st March immediately succeeding the date of issue.

4. On the breach of any of the conditions of the license by the licensee or his agent the town committee may forthwith cancel the license and the licensee shall be entitled to no compensation on account of such cancellation.

Form S. T. U.

SMALL TOWN COMMITTEE...............

License for premises for the sale and store of kerosine oil, spirit, petrol or other explosive material.

The premises of which a discription is given on the reverse, situated in (name of street, ward, etc.) are hereby licensed for

the sale and store of kerosine oil, spirit and petrol. This license is granted to ____________ $\frac{\text{owner}}{\text{occupier}}$ of the said premises subject to the following conditions. The license shall not be transferable except under the orders of the committee :—

(1) That the licensee shall not burn any article in or near the said premises or keep any other inflammable articles or allow any naked lights of fire except those entered in the license.

(2) That he shall not smoke or suffer any person to smoke within the licensed premises.

(3) That he shall permit any member or officer of the committee authorised in this behalf, at all reasonable times and without notice to inspect the licensed premises.

(4) That he shall not keep the following articles in excess of the quantities given below :—

(*i*) kerosine oil ____________ 500 gallons

(*ii*) petroleum ____________ 8 gallons

(5) That he shall keep the kerosine oil, spirit or petrol in closed drums or tins and shall open only one tin of the same quality at one time.

(6) That he shall keep a supply of sand or dry earth for the purpose of extinguishing fire in the event of an outbreak.

(7) That he shall duly pay to the town committee the fees that may from time to time be imposed under section 41 (1) (*g*) of the Punjab Small Towns Act.

A general order under clause (*u*) of section 35, and section 41 (1) (*g*) relating to the licensing of premises for sale or store of kerosine oil, spirit, petrol or other explosive material, has beenin force in the following Small Town Committees :—

Small Town Committee	*P. G. Notification*
Budhlada	10 of 13-1-30
Chak Jhumra	353 of 15-1-27
Chakwal	8-A-I-235 of 17-1-29
Chuharkana	3 of 11-1-28
Dhariwal	32 of 5-3-28
Kahror	578 of 13-1-30
Khangah Dogran	33 of 5-3-28
Kharar	71 of 13-10-30
Majitha	56 of 24-3-31
Malkwal	114-A-I-215 of 28-12-26
Shahdara	98 of 9-5-31
Shahpur city	A-XIV-29/83 of 13-8-31
Sillanwali	42/A-XIV-29/83 of 13-8-31
Tandlianwala	435 of 30-8-27
Toba Tek Singh	389 of 12-12-27
Tohana	17 of 5-2-30

MODEL OF A GENERAL ORDER.

Under clause (v) of section 35, relating to the licensing of premises for the sale and store for sale of bhusa, hay, straw, thatching grass, fuel, wood, coal, charcoal, etc.

1. No person shall sell or store for sale bhusa, hay, straw, thatching grass, fuel, wood for building purposes, coal, charcoal, sarkanda matting or other dangerously inflammable material within the limits of the small town except in yards or depots for which a license has been granted by the committee in this behalf.

2. Licenses for yards or depots for the sale or storage for sale of the materials mentioned in clause (1) of this order shall be issued by president or secretary in the Form S. T. V. appended to this order on the application of the owner or occupier of

such premises and shall be granted subject to the conditions specified in Form S. T. V. as the conditions subject to which the license is granted.

3. Licenses issued in accordance with clause 2, shall be current for not more than 12 months, and shall in any case terminate on the 31st March immediately succeeding the date of issue.

4. In case of the breach of the conditions of the license by the licensee or his agent the town committee may forthwith cancel the license and the licensee shall be entitled to the compensation on account of such cancellation.

5. Any one committing the breach of this general order shall, on conviction before a magistrate, be liable to be punished under section 38 of the Punjab Small Towns Act, 1922.

SMALL TOWN COMMITTEE.........

Form S. T. V.

License for yards or depots for sale of ______________

The yard (or depot) of which description is given on the reverse, situated in (name of street, ward etc.) ______________ ______________ is hereby licensed for the sale or storage for sale of ______________________________
This license is granted to ______________________
owner/occupier of the said yard (or depot) subject to the following conditions :—

1. That he shall not burn or allow to burn any article in the yard (or depot) or keep any other inflammable articles except those entered in the license.

2. That he shall not smoke or suffer any person to smoke within the licensed yard (or depot).

3. That he shall permit any member or officer of the committee authorised in this behalf at all reasonable times, and without notice to inspect the licensed yard (or depot).

4. That he shall not keep the following articles in excess of the quantity given below :—

(1) Bhusas, hay, straw and thatching grass ____________ 200, Mds.

(2) Wood for building purposes ________ 1000, Mds.

(3) Fuel, coal and charcoal ____________ 500, Mds.

5. That he shall keep at all times such number of buckets of water or earth or sands, as may in the opinion of the president be requisite to extinguish fire in the event of an outbreak.

6. That he shall duly pay to the town committee the fees that may from time to time be imposed under section 41 (1) (*b*) of the Punjab Small Towns Act, 1922.

A general order under clause (*v*) of section 35, is in force in the following town committees :—

Small Town Committee	*P. G. Notification*
Budhlada	11 of 3-1-30
Chuharkana	10 of 20-1-28
Fatehgarh	203 of 17-9-31
Kangra	6288 of 25-8-31
Majitha	184 of 3-9-31
Shahpur city	A-XIV-30/97 of 26-8-31
Sillanwali	A-XIV-29/82 of 13-8-31

Clause (w) of section 35

Clause (*w*) of section 35, relates to the prohibition of the keeping of a brothel or the residence of a public prostitute in any specified part of the town. This clause is analogous to section 152 P.M. Act, III of 1911, Sec. 142 and 143 C.P. Act, II of 1922 and section 182-A. Burma Act, III of 1898 and Secs. 246 and 247 U. P. Act, II of 1916. After a general order under this clause is made and published, no personal notice is required to be issued, if any prostitute is kept or a brothel house is allowed in the area thus prohibited in the general order. It appears from the wording of the clause that the whole of the town committee's area cannot be excluded from the keeping of prostitutes. It is certain, that a place will have to be specified for the residence of prostitutes, though not for the allowing of brothels, which may be excluded from the whole of the town area. See 18 I. C. 651. For distinction between a prostitute and a public prostitute *cf*. 5 M. H. C. 473. See also 123 I. C. 536=31 P. L. R. 547=A. I. R. 1930 Lah. 824 and 93 I. C. 827. A ' brothel ' is a house or room in any house resorted to by persons of both sexes for the purposes of prostitution, who are strangers to the occupancy. If a woman plies the trade of a prostitute in her own house that does not make the house a brothel. 19 I. C. 714; 45 I. C. 113. A place could not be held in law to be a brothel unless at least two women used the premises for the purpose of prostitution. *Caldwell V. Leech* (1913) 77 J. P. 254. A woman who receives men at her house or lodgings for the purpose of meeting her only, cannot be conviced of keeping a brothel. *Singleton V. Ellison* (1895) 1 Q. B. 607. The offence of keeping a brothel is a continuing one. *Onley* V. *Gee* (1861) 25 J. P. 342; *Ex parte Burnby*, (1901) 2 K.B. 458. A place where one man and one woman strangers to the place, resort to for immoral sexual intercourse not once but very often, would also be a brothel.

Clause (w) of section 35, relating to the prohibition of keeping prostitutes, except in specified places and allowing of brothel houses,

MODEL OF A GENERAL ORDER.

1, No proprietor, occupier or agent of any house within

the limits of the small town, ..., shall allow the use of the said house as a brothel, nor shall he give on rent or otherwise allow any prostitute to reside in any house which may be in his possession except the place or places specially specified for this purpose.

2. The bazar (name the place or places) is specially set apart for the purpose specified in clause (1) of this order, but the keeping of brothels and the residence of prostitutes is not allowed in the residential lanes or *kuchas* adjoining or near this bazar (name the place or places).

3. If any house within the limits of the small town, ..., with the exception of the bazar (name the place or places), is used as a residence by any prostitute, or is occupied by a woman believed to carry on the profession of a prostitute, or is used as a brothel, on or after the date of the publication of this general order, the proprietor, occupier or agent of such house shall cause it to be vacated within one month of his receiving a notice from the small town committee. If any house within the limits of the small town, ..., with the execption of the bazar (name the place or places) is the property of a prostitute and is used as a brothel, it shall be vacated by such prostitute within one month after receiving a notice from the small town committee, ..., or it shall cease to be used as a brothel.

4. Any person who commits a breach of this general order shall on conviction by a Magistrate be punishable with a fine not exceeding Rs. 20 and with a further fine not exceeding Rs. 2 for every day after the first during which the breach continues.

A general order under clause (*w*) of section 35 of the Punjab Small Towns Act, 1922, is in force in the following small town committees :—

Small Town Committee	*P. G. Notification*
Khanna	5620 of 17-9-26

Clause (x) of section 35.

Clause (*x*) of section 35, relates to the proper registration of briths and deaths. This clause has been inserted by section 8 (*iv*) of the Punjab Act, IV of 1925. This section may be compared to section 52 (2) and 188 (*c*) of the P. M. A. of 1911, sections 442–53 of Bom. Act, III of 1888 ; sections 448—456. Beng. Act III of 1923; sec. 327 Mad. Act IV of 1919; Sec. Bom. Act III of 1901 ; sec. 286 Mad. Act V of 1920. The Indian Registration Act VI of 1886, provides for registration of Births, Deaths and Marriages of certain specified classes of the community and is in force throughout the whole British India.

If any person is born in any hospital, the medical officer in charge thereof is bound to give the necessary information to the Registrar. A servant of the occupant is not bound to give information of birth and is not liable. *Queen V. Govinda* ; Un. C. C. 373=Cr. R. 20 of 1888.

A conviction for omission to report occurrence of death should not be set aside merely on the ground that the prosecution omitted to prove that the occurrence was not reported 16 C. P. L. R. 63. An entry in the register of briths made pursuant to the statutory provisions is evidence of the fact of the birth prior to the date of entry, but not of the birth having actually taken place on the day named 34 J. P. 372. A certified copy of the register of deaths, accompanied by an affidavit of identity, is sufficient evidence of the death, *Parkinson V. Francis*, 15 Sim. 60 Register of births and deaths kept by a village *chowkidar* is admissible in evidence. *Baldei* V. *Abhey Ram* (1914) 12 All. L. J. R. 945.

Clause (x) of section 35, relating to the registration of births and deaths

MODEL OF A GENERAL ORDER.

1. The small town committee shall establish one or more

registration offices for the registration of births and deaths within the limits of the small town, and may by public notice prescribe the office at which the reports of births and deaths occurring in specified portions of the small town are to be made in accordance with this order. The officer in charge of such registration office shall be termed small town registrar.

2. Every report of birth required to be made under this order shall contain the following particulars which shall be entered in a register to be kept for the purpose by the small town registrar, that is to say :—

(*a*) the date of the birth ;

(*b*) the sex of the child ;

(*c*) the name of the father, and of the grandfather ;

(*d*) the residence of the father ;

(*e*) the occupation, caste and religion of the father ;

(*f*) the name of the person making the report, and the date of his report ;

(*g*) the name of the child ;

(*h*) the name of the *dai* (or midwife), if any who attended the mother at the time of the birth.

Note :—There is no reason why the name of the mother who is the most important factor in the birth of the child be ignored. However, if mother's name is also given it will remove many disputes which often arise afterwards.—*Author.*

Provided that—

(*i*) in the case of an illegitimate child, the small town registrar shall not enter in the register the name of any person as father of the child ; save at the

joint request of the mother and of the person acknowleding himself to be the father, who shall countersign the entry as an acknowledgment of the relation If no such joint request is made, the name, residence and caste of the mother shall be entered in place of the name, residence and caste of the father. In all such cases a note shall be made in the register to the effect that the child is illegitimate ;

(*ii*) If the name of the child is not known when the report is made, the person reporting the birth, or, if he is dead, the father of the child, or, if the father is dead or the child is illegitimate, the mother of the child, or, if both the father and the mother of the child are dead, the person in whose keeping the child is, shall, within three months of the birth, report the name of the child to the small town registrar.

3. (*i*) Every report of the occurrence of a death required to be made under this order shall contain the following particulars, which shall be entered in a register to be kept for the purpose by the small town registrar, that is to say :—

(*a*) the date of the death ;

(*b*) the name of the deceased ;

(*c*) the name of the father, or, if the deceased was a married woman, of the husband of the deceased ;

(*d*) the sex of the deceased ;

(*e*) the age of the deceased ;

(*f*) the occupation, caste, and religion of the deceased ;

(*g*) the residence of the deceased ;

(*h*) the cause of the death ;

(*i*) the name of the person making the report, and the date of his report

(*ii*) In the case of the death of a European,, the person reporting the death shall, if possible, furnish the certificate of medical practitioner as to the cause of death.

(*iii*) In the case of the death of a child of age less than a year, who has been born within the limits of the small town and entered in the register of births, the registrar shall enter before the entry in the register of deaths the number of the entry in the register of births and *vice versa*.

4. Any person reporting a birth or death may attest by his signature or mark the entry relating to such birth or death made in the register by the small town register.

5. Every report of a birth or death required by this order may be made verbally or in writing.

6. The officer in charge of a Jail, lock-up, workhouse, lunatic asylum, Government or small town hospital, college or school or any other Government or small town institution shall report to the small town registrar the occurrence of any birth or death within the institution of which he is incharge not later than four days from the date of such occurrence.

7. Every person in charge of a private hospital, orphanage, serai, dharamsala, hotel, lodging house or such other institution shall report to the small town registrar the occurrence of any birth or death within the institution of which he is incharge not later than four days from the date of such occurrence.

8. In the case of a birth or death not governed by clause 6, a report of its occurrence shall be made within four days to the small town registrar by the head of the household in which such birth or death has occurred, or by an adult member or servant of such household.

9. In case of a birth of which, for any reason, a report cannot be furnished by the head of a household, or any adult member, or servant of a household, the midwife or *dai*, attending at such birth shall within four days report the occurrence of such birth to the small town registrar.

10. Every medical practitioner who has been in attendance during the last illness of any person dying within small town limits shall report the death of such person within four days of the date of death to the small town registrar, provided that, if such person has died of any disease, which is defined as an infectious disease, or has been notified as an infectious disease, by the local Government, under clause (7) of section 3 of the Punjab Municipal Act, 1911, such medical practitioner shall report such a death immediately.

11. Every customary or other sweeper shall report the occurrence of every birth and death, which occurs within the premises in which he works within four days of occurrence to the Sanitary *Jamadar* of the ward in which such premises are situated, provided that no such report need be made by any sweeper working in any government or small town institution, in respect of births or deaths occurring in such institution.

12. Every person finding a living newborn child exposed, and every person in whose charge such a child may be placed, shall, within eight days of the finding of such a child, report the fact to the small town registrar, and shall, at the same, time, to the best of his ability, furnish the particulars specified in clause 2.

13. If a dead body is found exposed, the officer in charge of the police station within whose jurisdiction such body is found shall, within eight days of the finding of such body report the fact to the small town registrar, and shall, at the same time, to the best of his ability, furnish the particulars specified in

clause 3, together, if possible, with a certificate of the sub-assistant surgeon as to the cause of death.

14. Every person reporting a birth or death under this order shall be given free of charge a copy of the entry made by the small town registrar in respect of such birth or death.

15. Any person may inspect a register of births and deaths on payment of a fee of one rupee, and shall be entitled to receive a certified copy of any entry in a birth or death register on payment of a fee of eight annas, provided that additional fee of four annas per year may be charged in a case in which insufficient or incorrect information is supplied by an applicant for such copy necessitating a labourious search in the registers.

16. No person shall wilfully destroy or injure, or cause to be destroyed or injured, any register of births or deaths, or shall wilfully insert or cause to be inserted, in any such register, or certified copy thereof any false entry with regard to any birth or death, and no small town registrar shall, without reasonable cause, refuse or omit to enter in a register of births or deaths any birth or death which has been duly reported to him.

A general order under clause (x) of section 35, is in force in the following small town committees :—

A. *Registering the names of midwives :—*

Small Town Committees	*P. G. Notification.*
Kot Adu	314 of 17-2-26

B. *Registration of births and deaths*

Ahmadpur	509 of 1-11-28
Alawalpur	3501 of 1-6-27 and 10/A-I-18 of 9-2-29
Baddomalhi	14 of 22-1-31
Bhopalwala	153 of 7-8-31
Budhlada	12 of 3-1-30
Chak Jhumra	409 of 19-10-27

Small Town Committee	*P. G. Notification*
Chakwal	14-A-I-235 of 17-1-27
Chuharkana	46 of 26-5-27
Daska	78 of 28-4-31
Dasuya	3553 of 2-6-27
Dhariwal	20 of 13-2-28
Fatehgarh	19 of 9-2-28 and 180 of 2-9-31
Fatehjang	8-A-I-221 of 3-2-28
Garhmaharaja	510 of 1-11-28
Garhshankar	6805 of 6-8-27
Giddarbaha	5048 of 23-7-29
Gujarkhan	51-A-I-268 of 6-6-28 and A I. 268/8 of 20-10-27
Guruharsahai	7494 of 15-10-30
Hassanabdal	75-A-XIV-18 of 24-8-27
Hidayatpor Chhaoni	93 of 4-11-27 and 26 of 14-1-27
Jaijon	4706 of 25-1-28
Jalapur Pirwala	594 of 7-4-30
Jamke	219 of 31-10-30
Kabirwala	577 of 9-1-30
Kahror	476 of 18-6-28
Kalka	68 of 16-8-27
Kangra	4076 of 24-6-27
Khangah Dogran	101 of 11-10-27
Khanna	6526 of 27-7-27 and 3507 of 2-6-31
Kharar	46 of 25-7-29
Kharian	53-A-XIV-23 of 27-9-29
Kot Rai Buta Mal *Cum* Azamabad	54 of 16-6-27
Lalamusa	13-A-XIV-32 of 11-11-30
Lalian	382 of 23-8-27
Mailsi	576 of 9-1-30
Majitha	230 of 25-11-30
Malakwal	66-A-XIV-22 of 11-12-29
Mandi Dabwali	76 of 27-10-30
Mehm	90 of 24-12-30
Miani	5531 of 24-8-28 and 6074 of 19-9-28
Mittranwali	186 of 24-9-30
Narot Jaimal Singh	121 of 23-11-27
Nawanshahr	3749 of 10-6-27 and 8485 of 31-10-31
Nurpur (Kangra)	7129 of 27-11-26
Nurpur (Shahpur)	12-A-I-18 of 9-2-29

Small Town Committee	*P. G. Notification*
Padhana	170 of 4-9-30
Pattoki	" " "
Pundri	84 of 23-12-29
Qillah Sobha Singh	198 of 15-9-31
Sahowala	243 of 13-2-30
Sangla	172 of 4-9-30
Shahdara	47 of 9-4-28
Shahkot	49 of 17-3-31 and 66 of 6-4-31
Shamchaurasi	2215 of 10-4-28
Shorkot	511 of 1-11-28
Shahpur city	13-A-I-18 of 9-2-29
Sillanwali	11-A-I-18 of 9-2-29
Sodhra	200 of 17-9-31
Srigobindpur	34 of 18-2-32
Sujanpur	4 of 11-1-28
Sursingh	16 of 31-1-28
Tallagang	A-XIV-17/87 of 22-11-30
Toba Tek Singh	456 of 23-4-28
Tulamba	571 of 5-12-29
Vehoa	705 of 26-5-31

Clause (y) of section 35.

Clause (*y*) relates to the licensing of persons selling or importing for sale milk, butter, ghi, curd, meat, game, fish and poultry. This clause was inserted by section 8 of the Punjab Act, XIV of 1926. This provision has been added with a view to control the persons who sell or import the abovementioned things in order to secure the wholesomeness of the commodities. The persons selling or importing for sale commodities mentioned in the clause will be required to obtain license on payment of a certain nominal fee on conditions which would secure sanitation, wholesomeness and fitness for human consumption. If the import is not intended to be for sale but for the private use of the importer or any other person, the importer shall not be required to take out a license for the purpose.

Clause (y) of section 35, relating to the licensing of persons selling or importing for sale milk, curd and butter.

MODEL OF A GENERAL ORDER.

1. No person shall sell or import for sale milk, curd and butter within the limits of the small town except under a license

granted in this behalf by the small town committee of... ..

2. Licenses to sell milk, curd and butter or import the same for sale shall be issued by the president of the small town committee of.....to any person applying for the same on payment of annas four only subject to the following conditions :—

(*a*) that the licensee shall not sell or import or expose for sale any milk or curd and butter of milk obtained from any animal which he knows or has good reasons to believe to be suffering from any disease, or from any dairy or other place from which the procuring of milk, curd or butter has, under any general or special declaration notified to the licensee, been declared dangerous to the public health by the medical officer authorised by the town committee in this behalf ;

(*b*) that the licensee shall import and keep all milk, curd or butter for sale in clean and covered vessels ;

(*c*) that the licensee shall not keep any milk, curd or butter for sale in any place or room used for cooking or sleeping or in any room adjoining a latrine or cesspool ;

(*d*) that the licensee shall not dilute or adulterate or cause to be diluted or adulterated any milk intended for sale or import or expose for sale diluted or adulterated milk ; and

(*e*) that skimmed milk shall be clearly declared by the licensee to be "skimmed milk" and shall not be sold as pure milk.

3. Licenses issued in accordance with clause 2, shall terminate on the 31st March immediately succeeding the date of issue.

Note :—This general order does not apply to those persons who are not customary sellers, but keep milch cattle within the

small town area for private use and sell the surplus supply of milk.

A general order under clause (*y*) of section 35, is in force in the following town committees :—

A. *Forbidding of persons selling or importing milk, curd and butter, except in licensed places.*

Small Town Committee	*P. G. Notification*
Alwalpur	411 of 20-1-28
Dhariwal	96 of 9-5-31 and 110 of 10-6-31
Hassanabdal	A-XIV-18/70 of 29-11-28 and A-XIV-18/9 of 31-1-30
Hidayatpore Chhaoni	11 of 30-1-28 and 48 of 12-8-30
Kallurkot	A-XIV-39/113 of 23-9-31
Kangra	9171 of 16-12-30
Khanna	6802 of 6-8-27
Nurpur	6802 of 6-8-27
Palampur	3813 of 14-6-27 and 6125 of 6-7-27 and 8361 of 22-10-31

B. *Forbidding of persons selling or importing vegetable Ghee, except in licensed places.*

Small Town Committee	*P. G. Notification.*
Hidayatpore Chhaoni	48 of 12-8-30 and 69 of 6-10-30
Tohana	15 of 21-1-30 and 25 of 22-3-30

Procedure for making general orders

36. (1) Before making any general order under section 35 the committee shall give public notice of its intention to make such general order. Any inhabitant of the small town may within thirty days of the publication of such notice submit an objection to such general order

in writing to the committee. On the expiry of thirty days from the date of such publication the committee shall take into consideration any objections which may have been received and [*may make such amendments of the general order as it may deem fit and shall then submit the general order as so amended*], together with the objections, if any, which have been received, through the Deputy Commissioner, to the Commissioner, who may sanction or refuse to sanction the issue of such general order, or (*return it to the committee for further consideration*).

(2) A general order sanctioned under sub-section (1) shall be published in such manner as may be prescribed in the rules made by the Local Government under this Act.

NOTES.

1. The words "may make such amendments of general order as it may deem fit and shall then submit the general order as so amended", have been substituted for the words "shall then submit such general order", in sub-section (1) of this section by section 9 of Punjab Act XIV of 1926.

2. The same amending enactment has added the words "or return it to the committee for further consideration."

Before this amendment it was not possible for the Commissioner to return the general order to the committee for consideration, which he maynow do so instead of sanctioning or refusing the general order.

Appeals against special orders

37. Any person to whom any special order has been issued by the committee, the President or the Vice-President under section 35 may within fifteen days of the date of such special order appeal against such order to the Deputy Commissioner whose decision

on such appeal shall be final and shall not be called in question in any court: provided that no appeal shall lie from any special order passed by a committee, the President or the Vice-President under clause (*e*) or (*k*) of section 35: provided further that in the case of any special order issued by the committee, the President or the Vice-President on the requirement of the Deputy Commissioner, the appeal, if any, shall be to the Commissioner whose decision shall be final.

NOTES.

Under this section appeals against special orders only have been dealt with. Special orders issued by a committee, the President or the Vice-President may be appealed against within fifteen days of the date of any order by any person to whom such orders are issued. But no appeal lies in the case of any special order which may be issued under clause (*e*) or (*k*) of section 35. If the Committee, to President or the Vice-President issues any special order when required to do so by the Deputy commissioner, then, the appeal, shall be to the Commissioner and his order shall be final.

Penalty for breach of orders

38. Any person who commits a breach of any general or special order made by a committee under section 35 and duly upheld by competent authority shall be liable on conviction to a fine which may extend to twenty rupees and when the breach is a continuing breach to a further fine which may amount to two rupees for every day after the first during which the breach continues.

NOTES.

Analogous Law.—See 57 of the Punjab D. B. Act, XX of 1883.

Continuing Breach.—A person convicted and fined for keeping an animal without a license, cannot again be prosecuted

for the continuance of the same offence, before conviction, nor can he be separately prosecuted for the same offence for each day the offence is continued as a separate and distinct offence before conviction, 13 Cal. 108, see also, 20 Cal. 605. The continuing failure must be a matter of a later and separate enquiry and proof. 22 Bom. 841, see. also, 37 Cal. 671, 20 W. R. 64 Cr.; 71 P. L. R. 1903; 13 P. R. 1903; 15 C. W. N. cxi An order imposing a daily fine in respect of future breaches is *ultra vires*. 12 A. L. J. R. 740; 6 Cr. L. R. 140; 72 I. C. 78 = 24 Cr. L. J. 318, where a Magistrate convicted certain accused and fined them and proceeded in the same order to fine them so such per day in case they continued the offence, it was held that the later order was illegal and that there should be a separate prosecution for a distinct offence, a prosecution in which a charge must be laid for a specific contravention for a specific number of days and for which charge, if proved the Magistrate was to impose a daily fine of an amount which is left to his discretion to determine.—22 Bom. 766, see also 27 Cal. 565 and 24 All. 309; a daily fine can be imposed only if the accused still persisted after the first conviction. Persistent disobedience to several notices is not enough—6 Cr. L. R. 140. A Magistrate cannot legally, when convicting a person for disobedience to a written notice, direct that he shall obey the notice within a certain time and that in case of non-compliance, he shall pay a certain daily fine—7 C. P. L. R. 4 Cr. Imposition of a daily fine until the notice should be satisfactorily complied with, is illegal—16 A. L. J. R. 527. Non-payment of a profession tax is a continuing offence—9 Mad. 38; 31 C. L. J. R. 127. A board taking proceedings for a penalty under the Act ought to make its sanction and orders and conditions so conspicuously clear as to leave no room for controversy and if in a particular case they failed to do so the complaint should be dismissed, (1923) 21 A. L. J. R. 774. Section 246 of Cr. P. C. does not mean that an accused in a summons case can be convicted of an offence alleged to have been committed on a date to which no reference has been made in the complaint or summons. 62 I. C. 575= 22 C. R. L. J. 559. The requisition, its service and breach must be strictly proved, before there could be a conviction. 6 C. W. N. 167. 2 All. L. J. R. 411 = 2 Cr. L. J. 352.

Before anyone can be convicted, the court must be satisfied that what he had disobeyed was a notice lawfully issued by

the corporation under the powers conferred upon it by statute 36 All. 185=14 A. L. J. 604; 18 All. L. J. R. 229; 24 Bom. L. R. 384; 37 Mad. L. J. R. 92.

Previous acquittal. Previous acquittal is a bar to subsequent prosecution, 2 I. C. 357; 63 P. L. R. 1904. Where there are more than one accused, each of them is guilty of a separate offence; and their joint conviction and the imposition of a joint penalty of fine are illegal. 44 Cal. 1025=21 C. W. N. 1016—10 Cr. L. R. 31 (F. B.)

High Courts power to revise.—The High Court can revise the orders passed by the lower courts. 23 P. R. 1903 Cr.—130 P. L. .R 1903.

Power of committee to lay or carry pipes, drains or sewers through private property subject to payment of compensation for damage sustained.

39. A committee may for the purpose of carrying out, establishing or maintaining any system of drainage, sewerage or water-supply carry any pipe, drain, sewer or channel of any kind into, through, across, under, over or up the side of any land or building whatever situate within the limits of the small town, and may at all times do all acts and things which may be necessary or expedient for repairing maintaining any such pipe, drain, sewer or channel: provided that—

(*a*) reasonable notice shall be given to the owner or occupier of any such land or building; and

(*b*) reasonable compensation shall be paid to the owner or occupier for any damage sustained by him and directly occasioned by the carrying out of any such operations or for any substantial interference with the rights of such owner or occupier to the due enjoyment of such land or building;

(c) in the event of any dispute as to the notice to be given or the compensation to be paid, the matter shall be referred by the committee to the Deputy Commissioner whose decision shall be final.

NOTES.

Analogous Law :—This section is analogous to Sections 132 & 133 of the Punjab Municipal Act, III of 1911, Section 100 of Bombay Act, III of 1901, Sections 146 & 210 of Madras Act, IV of 1884, Sections 189 & 224 of U. P. Act, II of 1916.

This section confers very wide powers on the small town committees, to be exercised in the interest of the public, without which it would be very difficult for the committees to make improvements. The interest of persons affected by the exercise of these powers, have also been protected, by requiring the town committees to give previous reasonable notice and by paying reasonable compensation to them. No compensation can be allowed until the owner or occupier not only sustains any damage by the operations carried out under this section, but also till the damage has been directly occasioned by the operations aforesaid.

Power to attach brackets for lamps name-plates of streets and numbers of houses and penalty for destroying the same

40. A committee may attach to the outside of any building brackets for lamps or name-plates of streets, and may cause a number to be affixed to every house in the small town for the purpose of identifying it, and any person who wilfully disturbs, defaces or destroys any such bracket, name-plate or number shall be liable on conviction to a fine which may extend to twenty rupees.

NOTES.

Analogous Law:—sec. 176, Pb M. Act, III of 1911.

Building, "Building" includes any house, portion of a house, and a wall, which is not used for agricultural purposes, tank or reservoir.—Section 2 (*c*) of this Act.

Power to levy certain fees

41. (1) A committee may charge fees for—

(*a*) vehicle licenses;

(*b*) the use of slaughter-house and markets;

(*c*) the use of stands for public vehicles and of cart-stands;

(*d*) licenses of premises for the manufacture, preparation for sale or sale of articles of food or drink;

(*e*) the temporary or permanent occupation of any portion of a public street;

(*f*) water supplied by private connections;

(*g*) licenses for store houses for any explosive or for petroleum or any inflammable oil or spirit;

(*h*) licenses for yards or depot for trade in hay, straw, thatching grass, wood, charcoal or coal, or other dangerously inflammable material.

(2) The rates of the fees to be charged must in each case be approved by the Commissioner.

NOTES

The following small town Committees have levied fees under the clauses of this section written above them :—

Clause (a) License for vehicles plying for hire

Note :—As to the meaning of plying for hire see notes under section 35, clause (q)

Small Town Committee	*P. G. Notification*
Alawalpur	5642 of 14-10-25
Attock	45/A-XIV-14 of 30-8-29
Kalka	36 of 25-5-31
Kharar	65 of 14-10-29
Sangla	25 of 19-6-26
Shahdara	129 of 6-7-31
Sillanwali	A-XIV-30/74 of 7-7-31

Clause (b) License for the use of slaughter house

Ahmadpur	676 of 3 12-31
Bhalwal	A-XIV-38/31 of 6-4-31
Daska	163 of 17-8-31
Dhariwal	64 of 6-4-31
Chak Jhumra	585 of 6-2-30
Jamke	154 of 7-8-31
Kangra	8342 of 22-10-31
Khangah Dogran	229 of 16-10-30
Kharian	70 of 25-10-29
Lalian	551 of 10-6-29
Majitha	54 of 24-3-31
Mehm	2 of 21-2-27
Mitranwali	184 of 24-9-30
Phalia	21/A-XIV-37 of 12-3-31
Pindi Bhattian	241 of 2-11-31
Sambrial	27 of 10-2-31
Shahdara	65 of 6-4-31
Zafarwal	41 of 22-2-22.

Small Town Committee	*P. G. Notification*
Clause (c) License for using vehicle stand	
Gujarkhan	26 A- XIV-16 of 2-4-31
Radaur	43 of 9-6-31
Clause (d) License for premises for the Sale of	
(i) Meat	
Hidayatpur Chhaoni	12 of 3-2-28
Khanna	272 of 27-4.28 and 2363 of 8-4-30
Malakwal	81-A-I-213 of 17-5-26
Sillanwali	75 A-XIV-30 of 24-10-30
Tohana	58 of 4-7-27
(ii) Milk	
Alawalpur	411 of 20-1-28
(iii) Vagetable Ghee	
Dharmkot	2692 of 20-4-30
Giddarbaha	2664 of 22-4-30
Guruhar Sahai	8168 of 11-11-30
Hidayatpur Chhaoni	48 of 12-8-30
Khanna	6478 of 4-10-28
Kot Chhutta	632 of 27-8-30
Sangla	246 of 16-12-30
To ana	15 of 21-1-30
(iv) Fresh fruits and vegetables	
Dhariwal	237 of 10-12-30
Gujarkhan	A-XIV-16/46 of 16-5-31
Mehm	15 of 18-2-27
Pattoki	129 of 12-7-30
Shahdara	43 of 9-11-26

Clause (e) License for building immovable encroachment on a street

Small Town Committee	*P. G. Notification*
Kal lurkot	61/A-XIV-39 of 20-6-31

Clause (h) License for selling and storing bhusa, hay, straw, fuel, wood etc.

Hassanabdal	A-XIV-18/70 of 29-11-28
Majitha	184 of 3-9-31

Power to delegate certain powers.

42. A committee may, with the sanction of the Commissioner, delegate any of its powers under section 11 or 14 or 35, in respect of special orders only to its President or Vice-President.

NOTES.

A small town committee is empowered to delegate its powers under sections 11, 14 or 35, to its President or Vice-President only and that in respect of special orders only. No other officer of the small town committee can be delegated with any powers of the committee under any other section but sections 11, 14 or 35 only. But before the delegation sanction of the Commissioner is requisite for the purpose.

Acquisition of land.

India Act, I of 1894.

43. When any land, whether within or without the limits of the small town, is required for the purposes of this Act, the Local Government may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1894; and on payment by the committee of the compensation awarded under that Act, and of any other charges incurred in acquiring the land, the land shall vest in the committee.

Composition of offences.

44. A committee, or with the authorisation of the committee, the President or Vice-President of a committee, may accept from any person against whom a reasonable suspicion exists that he has committed an offence punishable under this Act or under any rule made under this Act, a sum of money by way of composition for such offence. On payment of such sum no further proceedings shall be taken against such person in respect of such offence.

NOTES

Analogous Law—This section is analogous to sec. 229, P. M. Act, III of 1911 ; sec. 165, Bom. Act, III of 1901 ; sec. 315, U. P., Act II of 1916 ; sec. 351, Mad. Act, V of 1920 and sec. 58 D (1) and (2) of P. D. B. Act, XX of 1883.

May accept—It means that the offer of a compromise must originate from the offender *i. e.*, the person against whom a reasonable suspicion of having committed an offence under this Act, or any rule made thereunder exists. The town committee will not be justified in demanding penalties for the offence.

Who can compound—Only the committee or if the committee so authorises, the President or Vice-President of the committee, has, under this section, power to compound offences under this Act or rules made thereunder. No other officer can be empowered with such authority.

Authority to prosecute—As to who can prosecute offenders under this Act or rules made thereunder, vide section 45 of this Act.

Authority for prosecution.

45. No court shall take cognizance of any offence punishable under this Act or under any rule made under this Act, except on the complaint of the committee or of some person authorised by name or office by the committee in this behalf.

NOTES.

Analogous Law.—This section is analogous to section 228, P. M. Act of 1911 ; sec. 352 and 353, Beng. Act, IV of 1884 ; sec. 161, Bom. Act, III of 1901 ; sec. 347, Mad. Act, V of 1920 ; sec. 218, C. P. Act, II of 1922 ; sec. 375, B. and O. Act, VII of 1922 ; sec. 195, Burma Act III of 1898 ; sec. 314 U. P. Act II of 1916 ; sec. 177, N. W. P. and Oudh. Act, I of 1900; sec. 58, Pb. D. B. Act, XX of 1883.

Authority to prosecute.—Under this section only the committee or persons authorised by the committee, by name or office, can prosecute offenders who have committed offences punishable under this Act or any rule made thereunder. No person not so authorised can prosecute such offenders under this Act and no court will take any notice of any complaint not lodged either by the committee or by a person who has not been properly authorised to do so. Authorization must precede the institution and not be obtainad after it—(1919) 5 L. S. G. R. 90= (1919) I. K. B. 419 ; subsequent confirmaticn cannot validate. *cf.* 83 J. P. 50.

A complaint, not instituted by proper person, cannot secure conviction as the prosecution is not properly instituted. Rat. Cr. C. 987 ; (1905) 1 C. L. J. R. 51 ; 20 Cal. 448 ; 8 All. 677 ; 2 P. R. 1892 Cr ; 3 P. R. 1892, Cr. : 1 P. R. 1892 Cr ; 20 P. R. 1894 Cr. : 10 P. R. 1884 ; 32 P. R. 1881, Cr. ; 37 Cal. 585.

The secretary of a municipality, unless specially authorised in that behalf by the municipality, is not competent to institute a complaint—(1909) 1 I. C. 941.

Some person authorised.—It has been held, under a corresponding section of the N. W. P. and Oudh Municipalities Act, that the words "any person authorised confer on Municipalties the power to delegate generally their authority to make complaint in respect of Municipal offences. This general delegation includes not merely the giving of authority to do the formal act of presenting a complaint to a court, but the exercise of discretion as to whether in any given case a complaint shall or shall not be made. 22 All. 123. Authority to prosecute for a particular offence--complaint about a totally different offence—conviction for

such an offence, is illegal—55 I. C. 599. An order issuing a notice to accused to do certain specified things and authorising '*Darogha Safai*' to prosecute in case of non-compliance is no authority under section 228, P. M. Act, III of 1911—34 I. C. 311; 8 P. R. 1916.

Complaint filed by an unauthorised person cannot secure a lawful conviction. Section 537 of Cr. P. C. relating to omissions, errors, or irregularities of the complaint cannot cure the total absence of the complaint. 39 I. C. 479; 4 P. R. 1917, Dr.; see also, 65 I. C. 447.

Evidence of authority.—The sanction must be in writing under the seal and signature of the proper authority and must not contain complete and full particulars of the person to be prosecuted. 16 C. W. N. 934; I. L. R. 4 Lah. 120; also, 15 I. C. 796. The only evidence of sanction of a public authority is a writing under the seal and signature of that authority. 16 C. W. N. 934.

CHAPTER VI

CONTROL AND GENERAL PROVISIONS

Preparation of annual budget.

46. (1) Subject to any rules which the Local Government may make in this behalf every committee shall on or before the tenth day of January each year submit to the Deputy Commissioner an estimate of its income and expenditure during the ensuing financial year. Such estimate shall be called the annual budget of the small town.

(2) The Deputy Commissioner may sanction the budget so submitted or may return it for reconsideration by the committee.

(3) Except with the sanction of the Deputy Commissioner no committee shall incur expenditure in excess of the expenditure provided for in the budget as finally sanctioned by the Deputy Commissioner.

NOTES.

1. For rules see footnote under section 21.

2. For the definition of "Deputy Commissioner," *vide* section (2) (*f*) of this Act.

3. As to the form in which the Budget is to be submitted, *vide* form 18. appended to the Small Town Accounts Rules, 1923, given in Chapter II of Book II.

4. As to the rules framed by the Local Government relating to the annual budget, *vide* Rules 64 to 66 of the Small Town Accounts Rules, given in Chapter II of Book II.

Power to suspend action of a committee.

47. The Commissioner or Deputy Commissioner may by order in writing suspend the execution of any resolution or order of a committee if in his opinion such resolution or order is in excess of the powers conferred on the committee by law or if the execution of such resolution or order is likely to lead to a breach of the peace or to cause injury or annoyance to the public or to any class or body of persons.

NOTES.

Analogous Law—Sec. 232, P.M. Act, III of 1911; sec. 63, Bengal Act, III of 1884; sec. 174, Bom. Act, III of 1901; sec. 34 U. P. Act, II of 1916; sec. 53 C.P. Act, II of 1922; sec. 36 Mad. Act, V of 1920; sec. 383 B. & O. Act, VII of 1922; sec. 183 (1) Burma Act, III of 1898 and sec. 45, Pb. D. B. Act, XX of 1883.

Deputy Commissioner.—for the definition of this word, *Vide* sec. 2 (*f*) of this Act. The Commissioner or Deputy Commissioner, under this section, has the power to suspend, by order in writing, the execution of any resolution or order of a committee, if such resolution or order, in his opinion, is,

1 in excess of the powers conferred on the committee by law, or

2. if executed, likely to lead

(*a*) to a breach of the peace, or

(*b*) to cause injury or annoyance to

(1) the public, or

(2) any class, or

(3) body of persons.

Jurisdiction of the Civil Courts,—It has been held that

a Civil Court has no power to disturb the order of the District Magistrate who acted within his jurisdiction and whose order was affirmed by the Local Government. 1 I. C. 826 ; 6 A.L J. 468.

Power to provide for the performance of duties in case of default of a committee.

48. If a committee neglects or refuses to perform any prescribed duty, the Deputy Commissioner may perform or cause to be performed such duty, and anything done by the Deputy Commissioner in exercise of the power conferred by this section shall be considered to have been done by the committee.

NOTES

Deputy Commissioner -"Deputy Commissioner" includes any officer or officers at any time specially appointed by the Local Government to perform in any local area the functions of a Deputy Commissioner under this Act"—Section 2 (*f*) of this Act.

Prescribed duty—It means a duty prescribed by this Act or rules made thereunder

In analogous sections of various other Acts of similar nature, there is a provision of a time limit to be given by the Deputy Commissioner or any other authority, within which the local body is required by that officer to perform the neglected or refused duty in question and then the authority of the officer concerned to perform or cause to be performed the duty in question In this section no such time limit is provided for. The Deputy Commissioner it appears, without giving a time limit notice to the Committee can act under this section. Such provisions in such Acts are very useful weapons to ensure the speedy and proper performance of the prescribed duties by the committees,

Power of Local Government to suspend a committee

49. (1) If in the opinion of the Local Government a committee persistently makes default in the performance of the duties imposed on it or exceeds or abuses its powers, the Local Government may by notification, in which the reasons for so doing shall be stated, declare the committee to be suspended.

(2) If a committee is suspended the following consequences shall ensue :—

(*a*) All members of the committee shall from the date of the notification, vacate their seats.

(*b*) All powers and duties of the committee may, until the committee is reconstituted, be exercised and performed by such a person or persons as the Local Government may appoint in this behalf.

(*c*) All property vested in the committee shall, until the committee is reconstituted, vest in the Local Government.

(3) The Local Government may at any time constitute another committee in the place of any committee suspended under this section.

NOTES.

Analogous Law—Sec. 238 (*1*), P. M. Act, III of 1911 and sec. 51, P.D. B. Act, XX of 1883.

Clause (1) of this section provides for the powers of the Local Government in case of a committee persistently making default in the performance of the duties imposed on it or exceeding or abusing its powers. Clause (2) provides for the consequence which will ensue in case of suspension of a committee.

Clause (3) authorises the Local Government to constitute another committee at any time in the place of a suspended committee.

Application of town fund when any area ceases to be a small town

Punjab Act, III of 1911

50. 1[Subject to the provisions of sub-section (7-*b*) of section 4 of the Punjab Municipal Act, 1911,] when any area ceases to be a small town for the purposes of this Act, the balance of the town fund, if any, shall be applied for the benefit of the inhabitants of the said area in such manner as the Local Government may direct.

NOTES.

1. The words in brackets have heen prefixed by Punjab Act, IV of 1925, section 9.

2. Sub-section (7-*b*) of section 4 of the Punjab Municipal Act, III of 1911, runs as follows :—

> "(7*a*) when a local area, the whole or part of which was a notified area under this Act, is declared to be a municipality under this section, the municipal Committee shall be deemed to be the perpetual successor of such notified area commttiee in respect of all its ruler, bye laws, taxes and all other matters whatsoever."

This clause (7-*a*) was inserted by section 2 (*ii*) of the Punjab Act, I of 1925. This amendment has been given retrospective effect by section 12 of Punjab Act, I of 1925, from the first day of November, 1911.

Power of Local Government to make rules.

51. (1) The Local Government may make 1. rules aplicable to all or any small town—

(*a*) 2. [for determining the mode and time

of appointment or election of members of small town Committees, the term of office, allowances (if any) and the qualifications and disqualifications of such members, and the qualifications and disqualifications of voters, and generally for regulating all elections under this Act ;]

(*b*) as to the transaction of business by committees, the accounts to be kept, and the returns, statements and reports to be submitted ;

(*c*) regulating the establishment of Provident Funds;

(*d*) regulating the appoinment, dismissal or suspension by committees of their officers and servants, and the grant of leave, absentee and acting allowances, 3. and gratuties on retirement to such officers and servants : provided that these conditions of leave, allowances and gratuities shall not, save with the special sanction of the Governor-General in Council be more favourable than those prescribed for Government servants ;

(*e*) as to the assessment and collection of taxes ;

(*f*) as to the powers and duties of committees with respect to the matters provided for in section 35 of this Act ;

(*g*) generally to regulate the powers and duties of committees and to carry out the purposes of this Act.

4[(2) rules under clause (*a*) of sub-section (1) may among other matters provide—

(*i*) for the definition of the practices at elections held under the provisions of this Act which are to be deemed to be corrupt ;

(*ii*) for the investigation of allegations of corrupt practices ;

(*iii*) for making void the election of any person proved to the satisfaction of the Local Government to have been guilty of a corrupt practice or to have connived at or abetted the commission of a corrupt practice or whose agent has been so proved guilty or the result of whose election has been materially affected by the breach of any law or rule for the time being in force ;

(*iv*) for rendering incapable of office on a small town committee either permanently or for a term of years any person who may have been proved guilty as aforesaid of a corrupt practice or of conniving at or abetting the same ;

(*v*) for prescribing the authority by which questions relating to the matters referred to in clause (*a*) of sub-section (*1*) shall be determined ; and

(*vi*) for authorising courts to take cognizance of the breach of any such rules on the complaint of the

Deputy Commissioner or some person authorised in writing by the Deputy Commissioner.]

(*3*) In making rules under 5[clauses (*a*) and (*e*) of sub-section (*1*)] the Local Government may direct that the breach of any such rule shall be punishable with fine which may extend to fifty rupees.

NOTES.

1. For the rules, see footnote to section 21.

2. Clause (*a*) has been substituted for the old clause (*a*), by section 10 (*i*) of the Punjab Act, IV of 1925. For rules see notification No. 4811, dated 16th of February, 1926—

3. For rules travelling allowance, see P. G. N. 12202, dated 17th April, 1926.

4. The whole of sub-section (2) has been newly added by section 10 (*ii*) of Punjab Act, IV of 1925.

5. The words in brackets in sub-section (3) have been substituted by section 10 (*iii*) of the Punjab Act, IV of 1925, for the words, figures, letters and brackets " sub-section (1) (*a*) and (*e*). "

Clause (1) (a).

For Election Rules, under this clause, vide Chapter I, Book II. For Election of President and Vice-President Rules, see P.G. N. 4811 of 16-2-26 of 23524 of 17-8-26

Clause (1) (b)

1. For Business Rules, framed by the Local Government, see the Small Towns Businesss Rules, 1924, mentioned in Chapter III of Book II.

2. For the rules relating to Accounts, see, the Small Towns Accounts, Rules, 1923, as amended uptodate, in Chapter II of Book II

Clause (1) (d)

Under this clause the local government has framed rules for the appointment and dismissal of Sanitary Inspectors—For which, see Chapter IV, Book II.

Under this section the Local Government has also framed rules called the Small Towns Works Rules, 1926. For which, see Chapter V, Book II.

Under clause (*g*) Rules for the grant of travelling allowance to members of town committees—P. G. N. 12202 of 17-4-26

Power of ocal Government to invest with judicial powers officers appointed to inqure into conduct of elections.

52. The Local Government may invest any person or persons authorised by it to hold an inquiry into the conduct of an election or into allegations of corrupt practices or intimidation at an election with all or any of the powers conferred upon Commissioners appointed to hold an inquiry into an election by the provisions of part II of the Indian Election Offences and Inquiries Act, 1920, and may prescribe the procedure to be followed, and provide for the execution of any order as to costs passed by such person or persons in such inquiry.

India Act, XXXIX of 192).

NOTES.

1. This section has been newly inserted by section 11, of the Punjab Act, IV of 1925.

Analogous Law—This section is similar to section 55-A, I b. D. B. Act, XX of 1883.

Extent of enquiry.—Under this section an equiry can be

made only—

(1) into the conduct of an election, or

(2) into allegations of

(*a*) corrupt practices } at an election
or
(*b*) intimidation }

It follows, therefore, that no enquiry can be made into any other matter, not mentioned in this section.

Powers of Commissioner.—The person or persons authorised by the Local Government for holding an enquiry can be invested with all or any of powers of Commissioners, appointed to hold enquiry into an election by the provisions of Part II of the Indian Election Offences and Enquiry Act, 1920. Such powers are under section 5, those "vested in a court," under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters :—

(*a*) discovery and inspection,

(*b*) enforcing the attendance of witnesses and requiring the deposit of their expenses,

(*c*) compelling the production of documents,

(*d*) examining witnesses on oath,

(*e*) granting adjournments,

(*f*) reception of evidence taken on affidavit, and

(*g*) issuing commissions for the examination of witnesses; and may summon and examine *sou motu* any person whose evidence appears to them to be material; and shall be deemed to be a Civil Court, within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

Explanation—For the purposes of enforcing the

attendance of witnesses, the local limits of the Commissioner's jurisdiction shall be the limits of the Province in which the election was held. Under section 9, an appearance, application or act, before the Commissioner shall, if the Commissioners so direct, be made by the party in person.

Section 10, deals with the allowance of expense of witnesses by the Commissioners.

Section 11, costs and pleader's fees may also be allowed by the Commissioners.

BOOK II.

BOOK II.

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CHAPTER I.

SMALL TOWNS.

No. 29388.—*The 13th December 1923.* In exercise of the powers under sections 4 (2) and 51 of the Punjab Small Towns Act, 1922, the Punjab Government (Ministry of Education) are pleased to make the following rules for Small Towns in the Punjab :—

As amended by 8742-A of 5-2-24 4677 of 13-2-24; 2680 of 16-8-24; 19815 of 16-8 24 ; 22988 of 21 10-24; 6227 of 11-3-25 ; 9292 of 6-4-25; 15322 of 22-5-26; 13506 of 29-4-27 ; 30035 of 23-11-27 ; 20982 of 25-6-29 ; 40070 of 10-12-29.

Electoral Rules.

1. Every Small Town shall be divided into two or more wards which shall be scheduled by notification under section 4 of the Act.

2. Every male British subject or natural born subject of a State in India, of sound mind, and not less than 21 years of age, who during the twelve months preceding the 1st day of December in the year in which the register of voters is prepared has ordinarily resided or carried on business within the limits of the Small Towns shall be entitled to have his name registered as a voter in the Small Town if he—

(*a*) pays in the Small Town Rs. 4 per mensem or upwards as town rate or any other rate or tax payable under the Act ; or

(*b*) in a Small Town where no town rate has been assessed, has an income of at last Rs. 15 per mensem ; ors

(*c*) possesses immovable properety situate within the limit; of the Small Town of a value not less than Rs. 200 or

(*d*) pays not less than Re. 1 per mensem as rent for a house or part of a house situate within the limits of the Small Town ; or

(*e*) pays not less than Rs. 5 per annum as land revenue within the tahsil wherein the Small Town is situated ; or

(*f*) has passed the Matriculation and School Leaving Certificate or any equivalent examination recognised by the Punjab University or any Oriental Title Examination of the Punjab University.

This rule was substituted for the old R. 2, by P. N. G. 3742-A of 5-2-24.

3. Every person entitled shall be registered as a voter in any one ward of the Municipality ; namely, either in the ward wherein he resides, or at his choice in the ward, if any, where from he drives any part of his qualification, but no one shall be entitled to give more than one vote, anything contained in rule 2 notwithstanding.

4. Where two or more persons are jointly qualified under rule 2 (*a*) or 2 (*b*), every such person shall be severally deemed qualified as a voter, provided he would be so qualified if his share was separate.

5. Every person who is qualified as a voter under these rules and is not less than 25 years of age, shall be eligible for election as a member of the Town Committee, but no one shall be so eligible who—

(*a*) is under contract as regards work to be done for, or goods to be supplied to, the Town Committee,

(*b*) receives any remuneration out of the town fund for services rendered to the Town Committee ;

(*c*) has been proscribed from Government employment within three years from the date of the election ;

"(*d*) has within the 5 years preceding the date of the election been sentenced or subjected by any Court to

imprisonment for a period exceeding three months, or been ordered by any Court to excecute a bond for his good behaviour for a period exceeding three months.

NOTE

This clause has been substituted for the old clause (*d*) by P. G. N. 22988 of 2 1-10-24.

The words " or to keep the peace " have been omitted from this clause by P. G. N. 15322 of 22-5-26.

(*e*) has been adjudged an insolvent.

Provided that the Commissioner may, *in cases not covered by section 13 of the Indian Election Offences and Enquiries Act*, 1920, exempt any person or class of persons from the disqualification in *clauses* (*b*), (*c*) *or* (*d*) of this rule.

NOTE.

The words in italics have been inserted by P.G.N 22988 of 21-10-24.

(*f*) Is a whole time salaried servant of Government

NOTE.

This clause was added by P.G.N. 2680 of 16-8-24.

"(*g*) has within five years from the date of the election been removed from the membership of a Municipal Committee or notified area Committee uuder section 16 of the Punjab Municipal Act, 1911, or has been removed from the membership of a District Board under section 14 of the Punjab District Boards Act, 1883, or has been removed from a *panchayat* under section 7 of the Punjab Village *Panchayat* Act, 1921."

NOTE.

This clause has been inserted *after clause* (*e*) by P.G.N. 6227 of 11-3-25 and 9292 of 6-4-25.

6. A general election shall be held for those seats on a committee which are to be filled by election on such date or dates (between the 10th day of April and the 10th day of May) as the Deputy Commissioner may determine.

7. The Deputy Commissioner shall, by the 31st December preceding a general election, cause to be prepared *in form* I *a separate register appended to these rules* for each election ward of persons entitled to be registered as voters.

NOTE.

The words in italics were inserted by P.G.N. 19815 of 16-8-24 and 9292 of 6-4-25.

8. As soon as the registers have been prepared under rule 7 public notice of the fact shall be given, together with an intimation that the registers are open to inspection at the town office.

9 (*i*) Any person whose name is not entered in the register of voters and who claims to be registered as a voter, and any person whose name is so entered and who objects to the entry of the name of any other person, may, on or before the twentieth day of January, give notice in writing personally or through his representative of his claim or his objection, as may be, to the Deputy Commissioner or Extra Assistant Commissioner or Tahsildar appointed by the Deputy Commissioner in this behalf:—

(*ii*) Every such claim or objection received on or before the due date shall be enquired into by the Deputy Commissioner or by an Assistant Commissioner or Extra Assistant Commissioner or Tahsildar appointed by the Deputy Commissioner in this behalf, who, after hearing the claimant

or objector, his representatives and after taking such evidence as he may consider necessary, may reject or admit such claim or objection.

(*iii*) No appeal shall lie from the order passed by the Deputy Commissioner or an Assistant Commissioner or Extra Assistant Commissioner or Tahsildar acting under clause (*ii*) of this rule, but an order passed by such Assistant Commissioner or Extra Assistant Commissioner or Tahsildar shall be subject to revision by the Deputy Commissioner, provided that every application for revision must be submitted within three days of the date of the order to be revised.

(*iv*) The Deputy Commissioner shall, not latter than the last day of February, cause the registers of voters to be corrected, if necessary, in accordance with any order passed under this rule.

10. (*i*) The registers of voters prepared under rule 7 and corrected, if necessary, under rule 9 (*iv*) shall be deemed to be the registers of persons entitled to vote with effect from the first day of April (following) until the last day of March in the following year, and no person shall be entitled to vote whose name is not entered in the registers during that period.

(*ii*) The registers of voters shall be subjected to such correction yearly before the first day of April as may be necessary to bring them up to date, and shall after such correction, be deemed to be the registers of persons entitled to vote with effect from that date until the last day of March in the following year. Claims to be registered as a voter or objections to the entry of any person's name in the register may be submitted at any time between the first and the twentieth day of January in each year, and shall be dealt with as nearly as may be in the manner prescribed for claims or objections submitted under rule 9 (*i*).

11. (*i*) On or before the fifteenth day of February preceding a general election the Deputy Commissione

shall issue public notice fixing the date or dates on which the elections shall be held for those seats which are to be filled by election and calling on candidates to submit their nomination papers to him on or before 4 P. M. on the last day of February.

(*ii*) Every candidate for election as the representative of any ward shall be nominated by not less than five registered voters belonging to the ward in question. Such nominations shall be *made on form II appended to these rules* which shall be subscribed by the nominators and also by the candidate in each case to indicate his assent to such nomination. The document shall contain such particulars of the nominators and the candidate as may be reasonably sufficient for their identification.

NOTE

The words in italics of this clause have been substituted by P. G. N. 19815 of 16-8-24.

(*iii*) On or before the fifth day of March the Deputy Commissioner shall publish a notice containing a list of the candidates who have been nominated and intimating that the nomination papers may be scrutinised at his office on a date not later than the twelfth day of March to be specified in the notice, and that any person may on that date submit in writing his objection to the regularity of ny nomination or the eligibility of any candidate.

(*iv*) Every objection made under clause (*iii*) of this rule and received on or before the date shall be enquired into by the Deputy Commissioner or by an Assistant Commissioner or Extra Assistant Commissioner or Tahsildar appointed by the Deputy Commissioner in this behalf, who, after hearing the objector or his representative and after taking such evidence as he may consider necessary, shall pass orders allowing or disallowing the candidature objected to : Provided that if an objection is made on the score that the candidate is disqualified under sub-clause (*d*) of

rule 5, the Deputy Commissioner shall forthwith obtain the orders of the Commissioner as to whether the candidate in question shall be exempted from such disqualification, and on receipt of such orders shall pass an order allowing or disallowing the candidates accordingly.

(*v*) The Deputy Commissioner may also of his own motion pass an order disallowing any candidature if the nomination of the candidate was irregular or if that candidate was not eligible for election as a member under any rules for the time being in force in the Small Town in question : provided that if he considers any candidature should be disallowed on the score that the candidate is disqualified under Sub-clause (*d*) of rule 5 he shall proceed in the manner prescribed in clause (*ii*) of this rule on an objection to a candidature based on these reasons.

(*vi*) No appeal shall lie from any order passed by the Deputy Commissioner or by an Assistant Commissioner or Extra Assistant Commissioner or Tahsildar under clause (*iv*) or (*v*) of this rule but any such order passed by an Assistant Commissioner or Extra Assistant Commissioner or Tahsilder shall be subject to revision by the Deputy Commissioner Provided that every application for revision must be submitted within three days of the date of the order to be revised.

12. The Deputy Commissioner shall, at least one week before the date fixed for the election, publish a list of all candidates who after the nomination papers have been scrutinized and the objections, if any, received under rule 11 (*iii*) have been inquired into are found to have been validly nominated.

13. (*i*) If only one duly nominated candidate stands for election to any seat, he shall be deemed to have been duly elected a member.

(*ii*) If more than one duly nominated candidate stand for election to any seat, a poll shall be taken on the day fixed for the election in respect of that seat.

(*iii*) If at any time before the declaration of the poll a duly nominated candidate intimates to the Deputy Commissioner that he withdraws from his candidature, his name shall be removed from the list of candidates.

14. If under rule 13 (*ii*) a poll is to be taken in respect of any seat the Deputy Commissioner shall issue a notice at least one week before the date fixed for the election fixing the time or times and place or places at which the poll shall be taken. Such places shall be known as "polling stations."

15. The Deputy Commissioner shall appoint "*one or more persons of the position of a gazetted officer ar Tahsildar or Naib-Tahsildar*" hereinafter termed, "the returning officers" to preside over the election at each polling station and such returning officers shall be assisted by one or more persons as may be considered necessary. If there are more returing officers than one, the Deputy Commissioner shall nominate one of these to be the first returning officer.

NOTE.

The words in italics have been substituted for the words "one or more gazetted officers" by P.G.N. 3742-A of 5-2-24

16. The first returning officer shall be supplied with a copy of the register of voters and with a copy of the list of valid nominations of candidates for election referred to in rule 12.

17. Voting shall be by ballot; *ballot papers shall be in form III appended to these rules*, all votes shall be given in person at the polling station and voting by proxy shall be allowed.

NOTE.

The words in italics, have been inserted by P.G.N. 19815 of 16-8-24.

18. (*i*) When a person presents himself to vote, but not afterwards, the first returning officer may, of his own accord, and shall, if so required by a candidate or his agent, put to the person all or any of the following questions, the answers to which shall

be recorded in writing and the record signed by the first returning officer and by the person who gives the answers :—

(*a*) Are you the person registered in the register of voters as follows (reading the whole entry from the register) ?

(*b*) Have you already voted at the present election ?

(*c*) Such other question as he may think fit or necessary.

(*ii*) No person required to answer any of these questions shall be permitted to vote until he has answered it.

iii) Every person presenting himself to vote shall, if he be literate, sign his name opposite the corresponding entry in the copy of the register of voters supplied to the first returning officer, or, if he be illiterate, shall affix his thumb mark thereto, in the presence of the first returning officer.

(*iv*) The first returning officer shall then give to the voter a ballot paper or papers bearing an official mark.

19. (*i*) The voter on receiving the ballot paper shall make a cross against the name of the candidate for whom he votes, he shall put his ballot paper into a box provided for the purpose hereinafter called the ballot box.

(*ii*) If a voter is unable to read or write, the returning officer shall cause the vote of such voter to be marked on the ballot paper in the manner directed by such voter and the ballot papers to be placed in the ballot box.

20. Any ballot paper which is not duly marked or on which votes are given to more than one candidate or on which

any mark has been made by which the vote may be identified shall be invalid.

21. If a person representing him to be a particular voter named in the voter's register applies for a ballot paper after another person has voted as such voter, the applicant shall, after duly answering such questions as the returning officer may ask, be entiled to mark a ballot paper in the same manner as any other voter, but the ballot paper shall be of a colour differing from the other ballot paper, and, instead of being put into the ballot box, shall be given to the first returning officer and endorsed by him with the name of the voter and his number in the voter's register, and set aside in a separate packet, and shall not be counted by the returning officer. The signature or thumb impression of the voter shall not be made in the voters' register provided in rule 18 (*iii*) but shall be made in a separate list containing a copy of the corresponding entry in the voters' register and bearing the heading " List of Tendered Votes. "

22. At the close of the poll, in the presence of the persons nominated to assist the returning officers and of such candidates or their agents, if any, as may be in attendance, the returning officer shall—

(*a*) open the ballot box and separate the ballot papers which they admit as valid from those which they deem invalid, endorsing on the latter the word " rejected " and the ground of rejection ;

(*b*) count the valid votes given to each candidate ;

(*c*) prepare and certify as correct a return setting forth—

(*i*) the number of persons who presented themselves to vote,

(*ii*) the number of valid votes given for each candidate,

(*iii*) the number of the candidate for whom most valid votes were given,

(*iv*) the number of ballot papers declared invalid, and

(*v*) the number of tendered ballot papers ;

(*d*) seal up in separate packets the tendered ballot papees, the ballot papers admitted as valid, the ballot pap rrs rejected as invalid, the copy of the voters' re ster referred to in rule 18 (*iii*) and the list of te ndered votes prescribed in rule 21 and record on each packet a description of its contents and the date of the election to which it relates together with the name of the class or name and number of the ward for a representative of which the election was held ;

(*e*) permit any candidate or his agent to take a copy of or an extract from the return prescribed in clause (*c*) of this rule.

23. The first returning officer shall then forward the return and the packet of the ballot papers and list referred to in rule 21 to the Deputy Commissioner who shall cause a copy of the return prescribed in rule 22 (*c*) to be published for general information.

24. (*i*) The Deputy Commissioner shall retain for three months the packets of the ballot papers and lists forwarded to him by the first returning officer, and shall then, unless there appears to him to be good reasons for retaining them for a further period, cause them to be destroyed.

(*ii*) while the packets are in the custody of the Deputy Commissioner they shall not be opened or their contents inspected except under his written order or under the order of a court enquiring into an election petition under any rules that may be in force.

25 If it is found that two or more candidates have polled an equal number of valid votes and the addition of a vote would entitle any of those persons to be declared to be elected, the returning officer shall decide by lots.

26. The Deputy Commissioner shall in due course forward to the Commissioner the names of the candidates duly elected with a view to their election being notified in the Gazette.

27. When a vacancy occurs among the elected members of a committee by death, resignation or removal and a new member has to be elected in his place in accordance with section 8 of the Punjab Small Towns Act, 1922, such election shall be conducted in the manner prescribed in these rules for a general election, save that the date of the election shall be fixed as soon as may be convenient after the occurrence of the vacancy.

28. (*i*) Any person who—

(*a*) makes or alters any register, list or other document in contravention of these rules or causes a false entry to be made in any such register, list or other document ; or

(*b*) wilfully makes a false answer to any question put to him under rule 18 (*i*); or

(*c*) obstructs any returning officer in the conduct of an election or in any way interferes with the examination and counting of ballot papers ; or

(*d*) defaces, injuries, alters, disturbs or removes any copy, list, notice or other document posted anywhere under these rules ;

shall, on conviction by a Magistrate, be punishable with fine which may extend to fifty rupees.

(*ii*) No court shall take cognizance of any offence under these rules except upon complaint made with the sanction in writing of the Deputy Commissioner.

29. (*i*) Every petition against the return of any candidate at a Small Town election on the ground of corrupt practice shall be made in writing signed by a person who was a candidate at the election or by not less than five voters and the petition shall be presented to the Deputy Commissioner within one

week after the day on which the result of the election was declared The petition shall specify the acts which the objector or objectors allege to amount to corrupt practice as affecting the result of the election, and which he or they are prepared to establish and shall on presentation be supported by a statement made on oath by each objector.

Provided that on sufficient cause being shown the limit of one week prescribed by this rule may be extended by the Deputy Commissioner.

(*ii*) The Deputy Commissioner may either reject the petition after recording his reasons for so doing or make such enquiry thereon as he deems fit either himself or through any officer subordinate to him and not below the rank of a Magistrate of the second class as he may appoint in this behalf. If he finds that any corrupt practice has been committed, he shall submit the case to the Commissioner with a recommendation that action be taken under section 7 of the Act.

30. If any person is convicted ot an offence under Chapter IX-A of the Indian Penal Code or if he has been removed from the committee in consequence of a report under paragraph 28 of these rules his name, if on the voters' register, shall be removed therefrom and shall not be registered thereon for a period of five years from the date of the conviction or the report as the case may be or if not on the voter's register, shall not be so registered for a like period.

30-A The Commissioner may by notification *alter* all or any of the dates or periods mentioned in rules 6, 7, 9, 10 and 11 in the case of any election."

NOTE.

Th s Rule has been added by P. G. N. 3742-A of 5-2-24. i The alterations made in the dates mentioned in rules 6, 7, 9, 10 and 11 of the General Election Rules by the Commissioners in the various small towns, are as follows :—

Under Rule 30-A of the General Election Rules, ae amended by Punjab Government Notification No. 3742-A, datsd

5-2-24, the Commissioners of the divisions, in which the following small town committees are situated, by virtue of the P. G. Notifications, mentioned against them, have modified the dates specified in Rules 6,7,9,10, &11, in the P.G.N. 28388 of 13-12-23

Small Town Committee	*P. G. Notification.*
Akalgarh	15 of 19-1-32
Alawalpur	3029 of 11-5-27
Attock	A-XIV-I-A-13 of 3-4-28 and A-XIV-?/43 of 30-4-31 and A-XIV-3/68 of 26-6-31
Budhlada	1 of 16-1-28
Chak Jhumra	607 of 14-5-30
Chakwal	15-A-XIV-6 of 1-4-30
Chuharkana	81 of 20-3-30
Daulatnagar	A-XIV-I-A-13 of 3-4-28 and A-XIV-I.A-59 of 31-7-28
Fateh Jang	A-XIV-3162 of 11-8-30 A-XIV-3/121 of 11-11-31
Garh Maharaja	622 of 2-8-30
Giddarbaha	6343 of 2-10-28 & 2248 of 11-4-28
Hafizabad	52 of 7-10-29
Harianah	4050 of 9-8-24
Hidayatpore Chhaoni	33 of 25-4-30
Jakhal	80 of 3-11-30
Jalalpur Pirwala	686 of 27-1-31
Jaranwala	607 of 14-5-30
Kalanwali	80 of 3-11-30
Kot Rai Buta Mal *cum* Azamabad	80 of 19-9-28
Lala Musa	29-A-XIV-I-A. of 28-3-27
Machhiwara	4248 of 21-8-24
Makhad	32-A-XIV-I-E. of 1-6-29 and
Nawanshahr	49-A-XIV-I-E. of 18-9-29
Pindi Bhattian	5007 of 2-7-30 & 7863 of 20-9-27 150 of 5-8-31
Qadian	13 of 1-3-27
Qillah Didar Singh	14 of 18-1-32
Ramnagar	150 of 5-8-31
Sangla	121 of 7-7-30
Sankhotra	130 of 25-7-30
Shadiwal	34-A-XIV-I-A of 26-6-28
Shahdara	9 of 3-2-27
Shahpur city	6/A-XIV I. B of 30-1-28
Shahkot	81 of 20-3-30
Sodhra	13 of 18-1-32

Tandlianwala	607 of 14-5-30
Toba Tek Singh	" "
Tohana	1 of 16-1-28

GENERAL RULES

31 Even Town Committees shall observe those general principles of which Government has proved in the several departments of administration.

32. Town Committees shall correspond with Local Government and its officers only through Deputy Commissioner who will be guided by departmental rules in conducting such correspondence.

33, All business shall be transacted in English or Urdu but proceeding shall be recorded in the language in which the business is transacted. Notice shall be issued in Urdu unless the Commissioner of the Division directs that they shall be issued in both English and Urdu.

34. An abstract of the minutes of each meeting of the Town Committee shall be displayed in some conspicuous spot accessible to the public at the place of meeting of the Town Committee and a copy of such abstract shall be supplied on application to the manager of every newspaper which is published within the limits of the district in which the Town Committee is situated.

34. A. (1) The oath or affirmation of allegiance prescribed in section 4-A of the Punjab Small Towns Act, 1921, shall be administered by the Deputy Commissioner or any other gazetted officer appointed by him in the case of the member of a new committee assuming office consequent on a general election and by the chairman of the meeting in other cases :

(2) The administration of the oath or affirmation under clause (1) of this rule shall be recorded as a part of the proceedings in the minutes of the meeting."

NOTE.

This rule was added by P. G. N. 20982of 25-6-29.

35. Every general order sanctioned under section 36 of the Act shall be published in the Gazette.

36. In every case in which public notice is to be given by a town committee in exercise of a power conferred or in discharge of an obligation imposed by the Punjab Small Towns Act, 1921, or by any rule or bye-law made thereunder, such notice shall be published by proclamation, and a copy of such notice shall be displayed in some conspicuous spot accessible to the public at the place of meeting of the committee. A copy of such notice shall also be supplied to the Manager of every newspaper which is published within the limits of the district in which the small town is situated.

37. (1) Every town committee shall, as soon as possible after the close of each financial year, prepare such reports and returns as may from time to time be prescribed by the Local Government on the constitution of the committee and the accounts of its income, expenditure, balances and liabilities or any other matter.

(2) One copy of the reports and returns as prepared shall be submitted direct to Government through the Deputy Commissioner by the 15th day of May in each year and a second copy shall be forwarded through the Deputy Commissioner to the Commissioner.

(3) The annual report on the working of the Committee shall be submitted to the Deputy Commissioner, together with the copy of the returns forwarded for submission to the Commissioner.

38. No land, which has vested in a town committee under section 19 of the Act, shall be alienated permanently or for a term exceeding ten years except with the previous sanction of the Commissioner of the division or in exercise of the powers specially conferred upon a town committee by these rules or any authority of the Local Government.

"38-A. No committee, in whom any land of Government vests or to whom any land of Government has been transferred for management, shall cause or suffer any buildings of a

permanent nature to be constructed on such land, or shall cause or suffer such land to be diverted permanently from its existing use, without the consent of the Local Government."

NOTE.

This clause has been added by P. G. N. 30035 of 23-11-27.

39. Every town committee shall be bound by the rules contained in the Punjab Education Code for the time being in force as far as they apply to local bodies.

"40. No member of a committee shall be present at or vote or take any other part in any proceeding of a committee or sub-committee relating to a matter in which he or either of his parents or any other descendant of either of his parents or the husband or wife as may be of any such descendant has a direct or indirect pecuniary interest."

NOTE.

This rule was substituted for the old clause by P. G. N. 3742-A of 5-2-24.

"41. No annuity or gratuity on retirement and no leave, absentee or acting allowances to an officer paid from a town fund shall, without the express sanction of the Local Government, exceed what would be admissible under the rules, which apply to an officer paid from general revenues."

NOTE.

This rule has been added by P G.N. 13506 of 29-4-27.

"42. The fee leviable for a notice of demand served under section 31 of the Act shall be eight annas in the case of a demand of five rupees or less and one rupee in other cases for every notice so issued"

NOTE.

This rule has been added by P.G.N. 30035 of 22-11-27.

"43. No town committee shall pay a reward or honourarium to any member, officer or servant of the committee or of any local authority without the previous sanction of the Deputy Commissioner if the amount of the reward or honourarium does not exceed ten rupees, or of the Commissioner, if such amount exceeds ten rupees, but does not exceed one year's salary of the officer or servant in any other case."

NOTE.

This rule was added by P. G. N. 40070 of 10-12-29.

Form I.

______________Small Town

Election Ward No.

Serial No.	Name of voter.	Father's name.	Caste	Rule under which qualified.	Numbers of voters to which entitled	Remarks.

Form II.

Nomination Paper.

______________Small Town

We the undersigned being voters duly registered in the list of voters belonging to .... class / Election Ward No. ...., hereby .... nominate ______________ * as a candidate for election as member to represent the said class / Election ward No

____________ ____________
____________ ____________
____________ ____________ } Signature of 5 or more nominators.
____________ ____________
____________ ____________

Dated this __________ day of __________ 193

*NOTE—Here insert full name, description and address of the candidate

I, the undersigned __________ being a person duly qualified for election as a member to represent class / Election ward No. hereby assent to being nominated as a candidate for election ______________

______________ Signature of candidate

Dated this __________ day of __________ 193

Form III.

Ballot Paper.

____________ Small Town

Election of member for $\frac{\text{class}}{\text{Election ward No.}}$

Serial No.	Name and description of candidate.	Column for cross (x) of voter.
1. ______	A ______	______
2. ______	B ______	______
3. ______	C ______	______
4. ______	D ______	______
5. ______	E ______	______

CHAPTER II

THE PUNJAB SMALL TOWNS ACCOUNTS RULES, 1923.

In exercise of the powers under sections 21, 23, 24, 30 and clauses (*b*), (*c*), (*f*) and (*g*) of sub-section (1) of section 51 of the Punjab Small Towns Act, 1922, the Punjab Government (Ministry of Education) are pleased to make Accounts Rules for Small Towns in the Punjab :—

P. G. N. 25432 of 3-11-23 as amended by 2593 of 24-1-24; 18547 of 29-7-24. 14117 of 5-6-25; 10612 of 4-9-25; 19612 of 6-9-25 ; 23863 of 5-11-25; 7265 of 8-3-27; 12741 of 23-4-27; 2019 of 17-1-28 3661 of 13-1-28; 3664 of 13-1-28; 13987 of 23-4-28; 139-9 of 23-4-28; 14074 of 14-7-28; 21074 of 14-7-28; 21481 of 29-6-29; 20195 of 24-6-30; 27613 of 25-9-30; 29325 of 16 10-30.

Short title. 1. A. "These rules may be called the Small Towns Accounts Rules, 1923."

Added by P G. N. 3661 of 31-1-28.

A—.PAYMENTS.

General procedure as to payments.

1. No payments shall be made from the Town Fund

No payments to be made out of receipt No cheques to be drawn except for immediate disbursement

except in the manner provided in these rules and in particular no payment shall in any circumstances be made out (of cash received for credit to theTown Fund, and no cheques shall be drawn except for immediate disbursement.

"**No payments to be made except for sanctioned charges.**" 2-A. No payment will be made for a charge which has not been sanctioned by the committee, : provided that in case of emergency the president or, in his absence, the vice-president may sanction a charge to an amount not exceeding fifty rupees in any case." *Newly inserted by P.G. N. 13987 of 23-4-28.*

2. **No payment to be made except on written orders**.—No payment of under Rs. 10 shall be made except on the written order of the Secretary or of the President, or in his absence of the Vice-President, and no payment of Rs. 10 or over shall be made except on the written order of the President or in his absence of the Vice-President, who before making any such order shall satisfy himself that the budget allotment is not exceeded.

NOTE.—*This rule does not authorise the Secretary, President or Vice-President to order any payments which have not been sanctioned by the committee "or by the president or Vice-President under rule* 2. A" = The words under inverted commas have been inserted by the P.G.N. 13987 of 23-4-28.

3. **Vouchers with payment order to be submitted with cheques**.—When a cheque is presented to the President or Vice-President for signature all the vouchers on which payment orders have been made in respect of charges in payment of which the cheque is being drawn shall be put up at the same time. Such vouchers shall be numbered serially and the numbers and amounts of the vouchers shall be entered on the back of the counterfoil of the cheque. The vouchers at the same time being stamped by the officer signing the cheque with a rubber stamp bearing the narrative paid by Cheque No. ....dated...........

4. **Responsibility of the officer signing the Cheque** The President or the Vice-President, as the case may be, before signing the cheque shall satisfy himself that all charges for payment of which the cheque is being drawn have been properly incurred.

5. **Filing of Vouchers.** The vouchers shall subsequently be filed in a guard file for production at the next audit of accounts of the committee.

THE PERMANENT ADVANCE AND PAYMENTS OF UNDER Rs. 10.

6. **All sums of under Rs. 10, to be paid from the permanent advance.**—The Secretary shall be given a permanent advance of an amount to be fixed by the committee to cover the estimated amount of petty expenditure likely to be incurred during a month. From this permanent advance shall be paid all sums of less than Rs. 10 payable out of the Town Fund.

7. **Posting of payments in the Permanent Advance Account**—Every payment made by the Secretary from his permanent advance shall be entered at once on the expenditure side of the Permanent Advance Account to be maintained in Form 1, the date of payment being entered in column 1, *the number of the voucher in column 2*, the description of the charge in column 3 and amount of the payment in the appropriate column out of columns 4 to 13.

NOTE.—*The words and figures of the body of this rule which are in italics have been inserted by P. G. N. 19612 of 4-9-25.*

8. **Recoupment of the permanent advance.**—When the balance of the permanent advance is running low, and in any case on the first working day of each month, columns *4 to 13* on the expenditure side of the Permanent Advance Account shall be to'alled and a cheque shall be made out for a sum equal to the grand total of all the columns; the date, number

and amount of the cheque shall be entered on the receipt side of Permanent Advance Account and a line shall be ruled right across both sides of the account. The cheque with the Permanent Advance Account and the vouchers relating to the charges posted therein shall then be presented to the President or in his absence the Vice-President for check and if approved by him for signature. The officer signing the cheque shall at the same time stamp the vouchers with a rubber stamp bearing the word "cancelled". The date of the cheque shall then be entered in column 1 on the expenditure side of the General Cash Book to be maintained in Form 2, the words "Permanent Advance Account" shall be entered in column 2, and the number of the cheque in column 3 and the totals of columns 4 to 13 on the expenditure side of the Permanent Advance Account in the corresponding columns 4 to 13 of the General Cash Book

NOTE.—The words and figure "4 to 13" for the first two occasions in this rule have been substituted for "3 to 12," by the P.G. N. 19612 of 4-9-25.

9-A. (1) Cheque books, which are to be obtained on payment from the Controller of Printing and Stationary, Calcutta and are printed in fugitive ink shall be kept under lock and key in the personal custody of the Secretary, who shall notify to the treasury upon which he draws the number of the cheque book which he from time to time brings into use.

(2) When the Secretary receives a cheque book, he shall cause the cheques to be counted, and a note to be recorded on the cover of it, stating the number of the cheques it contains.

(3) When a cheque is being prepared for signature, an amount in whole rupees not exceeding the amount of the cheque by more than one rupee shall be written in red ink across it and its counterfoil as a preventive against fraud.

(4) All cheques shall be written and signed with the special " Registration Ink " obtainable from the Stationary Office, Calcutta.

(5) Cheques issued by a town committee which are not cashed within three calendar months, exclusive of the month of issue, shall not be cashed without being redated ; the alteration of the date shall be initialled by the Secretary ; a note of the fact of redating shall be entered in the General Cash Book (Form 2) against the original transaction and upon the counterfoil of the cheque itself ; the alteration will in no way affect the accounts, and no further entries shall be made.

(6) When a signed cheque is cancelled, it shall be enfaced or stamped 'cancelled' by the drawing officer ; the fact of cancellation shall be noted in red ink over the date initials of the drawer of the cheque upon the counterfoil, and also across the order of payment which has been enfaced upon the voucher.

(7) When a cheque is cancelled before the General Cash-Book (Form 2) has been closed on the date of issue of the cheque, the entry in the cash-book shall be struck out in red ink over the initials of the Secretary ; when the cheque is cancelled after the General Cash-Book has been closed, the cancellation of the cheque shall be treated as a refund of an overpayment, and shall be dealt with in accordance with the provisions of rule 60 (*c*).

(8) Cancelled cheques shall be carefully retained until the accounts for the period to which they relate have been audited, when they shall be destroyed by, or in the presence of, the audit officer, who shall certify upon the counterfoils that the cheques have been so destroyed.

(9) If an issued cheque is lost and cannot be presented for payment, a duplicate cheque may be issued at the top of which shall be written in red ink 'Duplicate not to be cashed if cheque No.................., dated .... (*quoting the number and date of the original cheque*), has already been cashed ; at the top of the counterfoil of the duplicate cheque shall be written in red ink 'Duplicate' of cheque No. ...., dated.............(*quoting the number and date of the original*

cheque), and on the counterfoil of the original cheque shall be written in red ink 'Duplicate cheque.............., dated ...., issued;' a note shall also be made in red ink in column 3 of the General Cash-Book (Form 2) against the item concerned, giving the number and date of the duplicate cheque issued, and intimation shall at once be given to the treasury officer that a duplicate cheque has been issued, with the request that the original cheque may not be cashed if presented."......... *This clause has been added after r. 9 by P. G. N. 20196 of 24-6-30*

PAYMENTS OF Rs. 10 AND OVER.

9. **All payments of Rs 10 and over to be made by cheque** (1) All sums of Rs. 10 and over payable from the Town Fund shall be paid by means of cheques which must be signed by the Secretary and by the President or in his absence, by the Vice-President.

Provided that in the case of town committees which bank with the treasury the price of vaccine lymph supplied by the Punjab Vaccine Institute and of materials and equipment issued by the Punjab Public Health Equipment Depot shall be paid by means of a book transfer from the town fund made by the treasury officer on the requisition of the *Assistant Director of Public Health, Punjab (Technical) Vaccination, or Superintendent, Public Health Equipment Depot, as the case may be.—Vide, P. G. N. 2019 of 17-1-28; 13989 of 23-4-28, and 21074 of 14-7-28.*

(2) Order for such payments shall, except when a supplier's bill has been received or in cases where a separate form of bill is prescribed in these rules, be made on bills to be prepared in Form 4.

10. **Posting of payments in the General Cash Book.**— The date of every cheque drawn shall be entered in column 1 on the expenditure side of the General Cash Book (Form 2), the name of the payee in column 2, the number of the cheque in column 3 and the amount in the appropriate column or columns out of columns 4 to 13.

11. **Daily totalling of payments in the General Cash Book.**—At the end of each day *the* amounts of the cheques drawn during the day shall be totalled and the total entered in column 14. ...... *The word "the" has been inserted by P.G.N. 19612 of 4-9-25.*

PAYMENT OF ESTABLISHMENT.

12. **Establishment Register to be maintained**.—An Establishment Register in Form 3 shall be maintained, in which every appointment shall be entered as soon as it is sanctioned by resolution of the committee, the entry being attested by the initial of the Secretary.

13. **Payment of establishment to be made monthly in arrears** Payment of the establishment entertained by the committee shall be made in arrears for the preceding month on the first working day of each month, provided that any employee of the committee who leaves service of the committee before the end of a month may be paid on the day on which he leaves the service.

14. **Preparation of the establishment bills**.—Bill for payment of the establishment shall be made out in Form 4-A. each section of the establishment according to the headings of columns 4 to 13 on the expenditure side of the General Cash Book (Form 2) being shown separately.

15. **Cheque and payment of bill by controlling officer.** The establishment bill with a cheque in payment of the bill shall be presented to the president or, in his absence, to the vice-president, who shall compare the bill with the Establishment Register, and if it is in order shall sign the order of payment in the space provided at the foot of the form and the cheque.

16. **The posting of payment to General Cash Book** The details of the payment shall then be entered in the General Cash Book as prescribed in rule 10, the totals for each section being entered in the appropriate columns out of columns 4 to 13

17. **Distribution of pay of establishment**—The pay of the establishment shall be distributed in the presence of the president or the vice-president, the signature or thumb-mark of each being taken opposite his name in the column provided for this purpose in the bill form.

18 **Recurring charges to be recorded in establishment Register** Regularly recurring monthly, quarterly, half-yearly or yearly charges shall be entered in a separate portion of the establishment Register as they are sanctioned by the committee and bills for such charges shall be checked with the register in the same way as Establishment Bills.

PUBLIC WORKS

19. **No work to be started till estimate has been sanctioned.** No work shall be undertaken until a detailed estimate of its cost has been submitted to and sanctioned by the Committee.

20. **Officer, member or members to be appointed to supervise works.** The committee shall appoint an officer or member or members to supervise the carrying out of public works in general or of every particular work and no bill in respect of any such work shall be ordered to be paid unless such officer, member or members has or have certified that such bill is correct and in accordance with the sanctioned estimate.

21. **Muster rolls of daily labour to be maintained.** If any public work is carried out under the direct management of any such officer, member or members and not by contract, a muster roll of the labour employed on such work shall be maintained in Form 5 and written up daily.

22. **Advances may be given for work** For the purpose of having a work carried out under rule 21 an advance of an amount to be fixed by the committee in each case may be granted to the officer, member or members in charge, recovery of the advance being made from subsequent work bills. Bills for the payment of such advances shall be filed separately, and the file shall be put up once a month to the President with a view to the recovery of such advances being carefully watched.

23. **Works carried out by the Public Works Department or District Board**. Nothing in rule 20 shall apply in the case of a work carried out for the committee by the Public Works Department or the District Board, payment for which must be made in advance.

24. **Payments for public works to be posted under departmental heads** Payments for public works shall be posted in the General Cash Book under the headings to which such works belong, *e. g.*, drains in column 5 under Conservancy and Sanitation, a dispensary under Medical in column 7, etc.

BOOK DEBITS INTIMATED BY THE ACCOUNTANT-GENERAL.

25. **Posting of book-debits in General Cash Book**. If in any case any charge is debited against a Town Fund by book entry by the Accouutant—General, on receipt of intimation of such debit the charge shall be posted in the General Cash Book as if the payment had been made by cheque except that in palce of the name of the payee the number and date of the letter intimating the bebit shall be quoted in column 2.

TOOLS AND PLANT REGISTER.

26. **Tools and Plants Register**. A Tools and Plant Register in Form 6 shall be maintained in which shall be entered the date of purchase, number, description and cost of all articles of office equipment, furniture, tools, plants, lamps, lamp-posts, ladders and all other articles of a permanent or semi-permanent character.

27. **Sanction to be obtained for striking articles off the register**. If any article is lost, stolen or destroyed, or becomes worn out and useless the sanction of the committee shall be obtained to its being struck off the register, and when any such article is srruck off the number and date of the committee's sanction shall be quoted in the remarks column.

STOCK REGISTER.

28. **(a) Receipt and (b) Issues of consumable stores to**

be posted in a Stock Register. A Stock Register shall be maintained in Form 7 in which shall be entered on the receipt side the date of receipt, number or quantity and cost of all consumable stores purchased by the committee, such as articles of stationary, oil for lamps, wicks, chimneys, disinfectants, etc.

(*b*) Issues of such stores shall be made only on the order of the Secretary, and shall be recorded on the issue side of the register.

NOTES.

29. **Checking of Tools and Plants and Stock Register.** President, Vice-President or a member appointed in this behalf by the committee from time to time and at least once in every quarter in the case of the Stock Register, and at least once a year in the case of *the* Tools and Plant Register, check the Tools and Plant and Stock Registers and verify the existence of the balances on hand according to those registers and record a certificate of verification in the register co ncerned.

NOTE.

The word "the" between the words "of" and "Tools" has been inserted by 19612 of 4-9-25

"29. A. Every town committee shall maintain a Register of immovable property, a *Teh Bazari* Register, a Register of Deposits, a Register of Investments, a Register of Loans and a Register of Stamps in the respective forms prescribed from time to time for municipal committees."

NOTE.

This new rule has been inserted by P. G. N. 20196 of 24-6-30

B. RECEIPTS

TOWN RATE

30. **Rate registers to be maintained.** In cases in which a town rate has been imposed under section 21 (*a*) (*i*) of the

Act a Property Rate Register in Form 8, and in cases in which a town rate has been imposed under section 21 (*a*) (*ii*) a Personal Rate Register in Form 9 shall be maintained.

31. **Posting of assessments in Rate Register.** As soon as an assessment list has been prepared under section 23 or section 24 of the Act, as the case may be, and finally settled in accordance with any orders passed under section 25 of the Act, the necessary enteries shall be made in columns 1 to 4 or 1 to 3, respectively, of the Property Rate Register or Personal Rate Register as the case may be.

32. **Posting of Changes in assessment list.** If any changes are subsequently made in the assessment list under section 26 of the Act, corresponding corrections shall be made in red ink in the entries in column I to 4 or 1 to 3 as the case may be of the register concerned, the number and date of the order of the committee authorising the change being quoted in the "Remarks" colum (5 or 4)

33. **Posting of actual tax payable each year.** When the percentage of the assessed annual value or the number of asses ment units to be levied in any year has been finally settled under section 27 of the Act, the necessary entries shall be made in columns 6 to 7 or 5 and 6 as the case may be of the register concerned, and a bill in the form of a copy of the relevant entry in the Rate Register, shall be delivered to each person liable for the tax as required by section 28 of the Act.

PROFESSION TAX

34. **Posting of Profession Tax Registers.** In cases in which a tax has been imposed under section 21 (*b*) of the Act upon persons practising any specified profession or art or carrying on any specified business, trade or calling an assessment list shall be compiled each year showing the names of the persons liable for the tax grouped under the various specified professions, arts, businesses, trades or callings, the date or dates on which the tax or instalments of the tax is or are due, and the amount of the tax or of such instalments. These particulars shall be entered in columns 1 to 5 of the Profession Tax Register to be maintained in Form 10 and a bill in the form of a copy of *the*

relevant entry in the Tax Register shall be delivered to each person liable for the tax as required by section 30 of the Act.

NOTE

The word "the" in italics has been substituted for the word "a" by P. G. N. 19612 of 4-9-25.

TAX ON VEHICLES, ANIMALS OR DOGS.

35. Posting of Vehicle Animal or Dog Tax Register.--In cases in which a tax has been imposed under section 21 (*c*) of the Act upon vehicles, animals or dogs, an assessmant list shall be compiled each year showing the names of persons liable for payment of the tax, the description of the vehicles, animals or dogs in respect of which the tax is payable, the date by which the tax is payable and the amount due. These particulars shall then be entered in columns 1 to 5 of a Vehicle, Animals or Dog Tax Register to be maintained in Form 11, and a bill in the form of a copy of the relevant entry in the Tax Register shall be delivered to each person liable for payment of the tax as required by section 30 of the Act.

"35-A. (1) Any person to whom a bill has been delivered as required by rule 34 or rule 35 may, within one week of the date of such delivery send to the committee a written objection to the assessment upon himself of the tax in respect of which the bill has been delivered, and the committee shall consider such objection, and, after making such inquiry as it may deem fit, shall pass an order confirming, modifying or cancelling such assessment.

(2) When any order has been passed under sub-rule (1), the necessary change, if any, shall be made in the assessment list or tax register concerned and a revised bill, if necessary, shall be delivered to the person concerned."

NOTE.

This new rule has been inserted by P. G. N. 14117 of 5-6-25

35.—B. If octroi or terminal tax has been imposed in any small town, the rules contained in the Municipal Account Code,

1930, governing the assessment and collection of octroi and terminal tax respectively in the municipalities of the second class shall apply *mutatis mutandi* to the assessment and collection of octroi and terminal tax in such small town'

NOTE.

The old Rule 35. B was added by P G.N. 12741 of 23-4-27 but it was substituted by the present rule by P.G.N. 26325 of 16-10-32.

OTHER TAXES.

36. **Other taxes to be assessed and collected according to special Rules.** In cases in which any other tax has been imposed under section 22 of the Act, the tax shall be assessed and collected in accordance with rules to be made in this behalf by the Local Government under sub-section (3) of section 30 of the Act.

POSTING OF RECEIPT OF TAXES.

37. **Receipt of taxes to be posted in Tax Registers and in General Cash Book.** The date of the receipt and the amount received on account of any tax imposed shall be posted in the columns provided in the appropriate tax register as well as on the opposite side of the General Cash Book as required by rule 52.

RENTS.

38. **Rent Register to be maintained.** In cases in which the committee has any land or buildings to be let on rent or in which it has farmed the right to collect any fees recoverable by it under the Act, a Rent Register in Form 12 shall be maintained in which shall be entered description of the property let on rent or of the class of fees, the collection of which has been farmed, the number and date of the resolution of the committee sanctioning the lease, the dates on which payments are due and the amounts due.

39. **Bills to be issued for rent.** Bills in the form of copies of the relevant entries in the Rent Register shall be issued for the recovery of such rents in advance.

40. **Posting of receipts of rents in General Cash Book and Rent Register.** The date of receipt and the amount received on account of such rents shall be posted in columns 7 and 8 of the Rent Register as well as on the receipts side of the General Cash Book.

LICENSE FEES.

41. **Classes of rent fees chargeable** Under section 41 of the Act, the committee may charge license fees for—

(*i*) vehicle licenses ;

(*ii*) licenses for premises for the manufacture, preparation for sale of articles of food or drink ;

(*iii*) licenses for storehouses for any explosive or for petroleum or for any inflammable oil or spirit ;

(*iv*) licenses for yards or depots for trade, straw, thatching grass, wood, charcoal, coal or other dangerously inflammable material,

42. **Forms and periods of licenses.** Licenses shall be granted in the case of vehicle licenses in Form 13, in the case of other licenses in Form 14, and no license shall be granted for a period exceeding one year or less than one month.

" Provided that in place of Forms 13 and 14 the committee may use the corresponding forms prescribed in the Municipal Account Code. "

NOTE.

The proviso was added to Rule 42 at the end by P. G. N. 3661 of 13-1-28.

43. **Fees to be recovered in advance.** No license of any description shall be issued until the amount of the fee payable has been received.

44. **Separate receipt for license fees not necessary.** No

separate receipt need be given in respect of any license fee received, but when necessary a receipt stamp shall be affixed to the license issued.

ORDER FEES

45. **Classes of fees chargeable**.—Under section 41 of the Act, the committee may charge fees also for –

(*i*) the use of the slaughter houses and markets ;

(*ii*) the use of stands for public vehicles and cart-stands ;

(*iii*) the temporary or permanent occupation of any portion of a public street.

(*iv*) water supplied by private connections.

46. **Fees which are in the nature of rent**.—Fees which are of the nature of rent, *e. g.*, fees for stalls in markets or fees for the permanent occupation or occupation for a definite period of a portion of a public street, shall be treated as rents and shall be recorded in the Rent Register and collected in the manner prescribed in rules 38 to 40.

47. **Daily or intermittent fees**.—In the case of fees payable daily or intermittently, *e. g.*, fees levied per head of animals slaughtered in a slaughter house of the committee, fees levied per vehicle or cart using a vehicle, cart stand, fees levied on peddlars or hawkers squatting on the streets or in markets to sell their wares, unless the collection of such fees has been farmed, an employee or employees of the committee shall be detailed to collect the fees due. Such fees shall be collected by means of a ticket with counterfoil in Form 15, and any employee detailed to collect the fees shall be provided with books of tickets, one for each class of fee to be collected, and a locked cash box of which the key shall be kept by the Secretary or if the Secretary is detailed to collect the fees, by the President or the Vice-President. All fees collected shall at once be placed in the cash-box, which shall be opened at the end of the day by the Secretary, President or Vice-President, the contents checked with the counterfoils of the tickets, and the amounts, received on account of the different classes of fees entered in the appropriate columns on the receipt side of the General Cash Book, the description of the fees, *e. g.*, slaughterhouse fees, cart-stand fees, etc., being entered in column 2 in place of the name of the payer.

48. **Fees for private water supply**—In any case in which a committee wishes to charge fees for water supplied through private connections, the Commissioner before giving his approval to the charging of such fees under sub-section (2) of section 41 of the Act will approach Government with a veiw to rules being made suitable to each case as to the method of collecting such fees and the account to be maintained in connection with them.

POUNDS.

49. **Permission to be obtained for pounds.** No committee shall maintain a cattle-pound except with the permission of the Commissioner.

50. **Rules for pounds in Appendix A.** If any committee is permitted to maintain a cattle pound, the rules with regard to cattle pounds contained in the Municipal Account Code (Rules 215 to 224), a copy of which is printed as Appendix A to these rules, shall apply and shall be binding on the Committee.

FINES AND ARREARS.

51. (1) **Fines and sums recovered under section 32 of the Act how credited to Town Fund.** In cases where the town fund is kept in a treasury or sub-treasury fines to be credited to the Town Fund under section 15 of the Act and arrears of taxes and other sums realized under section 32 of the Act will be credited direct into the treasury by the Magistrate concerned. The Treasury Pass Book will show these receipts and from it should be made the necessary entries in the General Cash Book, tax and other registers as the case may be. Courts realising such fines, arrears and other sums will forward a monthly statement showing the amounts realized under the different heads to the Town ....Committee concerned, and these statements should be carefully compared with the Treasury Pass Books and any discrepancies cleared up by reference to the court concerned.

(2) In cases where a Town Fund is kept with a banker the fines, arrears and other sums will be remitted by the Magistrate to the Town ..... Committee direct with a statement showing the various amounts realized under the different heads, and such remittances shall be dealt with according to the ordinary rules regarding receipts.

NOTE

From the blank spaces the word "Fund" has been omitted by P. G. N. 19612 of 4-9-25

GENERAL RULES AS TO RECEIPTS

52. **Posting of receipts in General Cash Book.** The receipt of all cash received for credit to the Town Fund shall at once be entered on the receipt of the General Cash Book, the date of the receipt being entered in colum one, the name of the person from whom it is received in column and the amount in the appropriate column 2 and the amount in the appropriate column out of columns 4 to 15. The entry to be made in column 3 will depend on the nature of the receipt. If it is on account of any tax or rent the number of the register in which the payment is posted and the serial number of the tax payer or tenant on that register shall be quoted in column 3, If the receipt is on account of license fee the description and number of the license shall be quoted in column 3. If it is on account of any of the miscellaneous fees referred to in rule 47 the first and last numbers of the tickets issued during the day in question shall be entered in column 3. In other cases when the collection of the demand is not recorded elsewhere no entry will be made in column 3

53. **Daily totalling of the General Cash Book.** At the end of each day the total of the amounts received during the day shall be entered in column 16 of the General Cash Book.

54. **Receipts to be given for cash received.** Except in the case of cash received in payment of license fees or miscellaneous fees for which coupons are issued, a receipt in Form shall be given for all cash received for credit to the Town Fund after the necessary entries have been made in the General Cash Book under rule 52.

55. **Posting of book credit intimated by the Accountant-General.** If in any case any sum is credited to the Town Fund by book entry by the Accountant-General on receipt of intimation of such credit the receipt shall be entered on the receipts side of the General Book as if it had been a receipt in cash, except that in place of the name of the payer the number and date of the letter intimating the credit shall be quoted in column 2.

56. **Secretary to bring to notice of committee arrears due.**—The Secretary shall every month bring to the notice

of the committee cases in which sums due to the committee on account of any tax, fee, rent or other account have remained unpaid for a month or more since they became due, with a view to action being taken to recover such sums under sections 31 and 32 of the Act, should the committee consider such action necessary.

56-A. Whenever it is found that any sum due to the Committee is irrecoverable or should be remitted, or whenever any loss of money or stores or other property occurs through the fraud or negligence of any person or for any other cause and such property or money is found to be irrecoverable the fact shall be reported to the committee, and the committee may, order the amount or property to be writteen off as lost, irrecoverable ; or remitted as the case may be : provided that if in any case the sum due or the value of such property is in excess of fifty rupees such order shall not take effect without the approval of the Commissioner : Provided, further, that the Commissioner may suspend the resolution of any committee writing off any such loss if he is of opinion that such loss was due to laxity of supervision for which the committee was to blame.

NOTE.

This rule (56-A) was newly inserted by P. G. N. 2534 of 21-1-32.

REMITTANCES OF CASH TO TREASURY OR BANK.

57. **In places where there is a treasury, sub-treasury or approved banker**.—In cases when the Town Fund is kept in a treasury or sub-treasury located in the small town or in the custody of a private banker living therein approved by the Commissioner under sub-section (2) of section 17 of the Act, the cash received during the day shall at the end of each day be remitted to such treasury, sub-treasury or banker.

58. **In case where there is no treasury or sub-treasury or approved banker**.—In cases where the Town Fund is kept in a treasury or sub-treasury not located in the small town the cash received for credit to the Town Fund shall be remitted to such treasury or sub-treasury at such intervals as the committee, with the approval of the Deputy Commissioner, may determine.

59. **Remittances to the treasury or bank to be accompanied by a Chalan.** Wherever cash is remitted for credit to the Town Fund it shall be accompanied by a chalan in Form 17, the foil of which shall be retained by the officer in charge of a treasury or sub-treasury or by the banker as the case may be and the counterfoil returned to the committee signed by such officer or banker. The number and date of the chalan with which such cash is remitted shall be entered in column 2 of the receipts side of the General Cash Book opposite the total in column 16 on the day of remittance.

C.—General.

MONTHLY BALANCE.

60 (*a*). **Monthly balances to be struck and compared with Treasury or Bank Pass Book** At the end of every month all the cash columns in the General Cash Book shall be totalled and a balance shall be struck which shall be compared with the balance in the Treasury or Banker's Pass Book. If any cheques have been drawn, but not cashed at the time when the balance is struck, a note showing the number and amounts of such cheques shall be made in red ink below the balance. The balance shall be attested as correct by the President or in his absence by the Vice-President, who shall satisfy himself that the items entered in the Cash Book agree with the entries in the Pass Book.

(*b*) The totals of the various cash columns in the General Cash Book shall be carried forward into the next month's account.

Adjustment of advances, overpayments refunds of overcharges, etc.

" (*c*) When it is necessary to adjust the recovery of a portion of an advance payment which has been incurred, or of an overpayment or the refund of money wrongly paid or received or any other such transaction, the receipt or payment of the amount involved shall be entered in the General Cash-Book (Form 2) in red ink under the head of the account concerned preceded by the word ' deduct '. "

NOTE.

This new clause has been inserted after clause (*b*) of rule 50, by P. G. N. 20196 of 20-6-30.

61. **Minimum balance to be maintained** Every committee shall keep a minimum balance of such amount as the Deputy Commissioner may direct.

NOTE.

In determining the amount of the minimum balance to be kept by a committee the Deputy Commissioner will estimate the sum required to cover the cost of establishment and recurring charges of the committee for one month

62. **No erasures—corrections**. No erasure shall be made in any of the account books, registers or forms to be maintained or used by the committee. If any corrections are to be made, they shall be made in red ink and attested by the Secretary's initials or in the case of cheques by the signature of the officer signing the cheque.

63. **Security to be furnished by employees**. Every employee of the committee entrusted with the custody of any cash or property belonging to the committee shall furnish such security as the committee, with the approval of the Deputy Commissioner, may determine.

64. **Form of budget**. The budget to be submitted by the committee to the Deputy Commissioner under section 46 of the Act shall be in Form 18, and shall be submitted by the 10th day of January in each year "*and all outstanding liabilities shall be entered in Budget Schedule I of form 18*"

And at the same time a copy of the educational portion of the budget shall be forwarded through the District Inspector of Schools to the Divisional Inspector of Schools who shall communicate his views thereon direct to the Deputy Commissioner as soon as possible after the 1st February each year.

NOTE.

These words and figures in italics from " and " to " 18 " have been added by P.G.N. 27613 of 25-9-30.

The figures and letters " 10th " have been substituted for the figures and letters" 15th " and the italicised sentence at the end from " And the " to " Year, " has been added by the P. G.N. 21481 of 29th of June, 1929.

65. Closing Balance—The committee shall budget for a closing balance sufficient to enable it to pay its establishment and recurring charges up to the time when the first instalment of its main source of income becomes payable in the succeeding year.

66. (1) No expenditure under any head of the budget shall be made in excess of the allotment provided in the budget sanctioned by the Deputy Commissioner until provision has been made for such excess either (*a*) by re-appropriation from saving under some other head sanctioned by a resolution of the committee in the case of a transfer between minor heads of the same major head or by the Deputy Commissioner in the case of a transfer between two major heads or, by recasting the estimates and obtaining the Deputy Commissioner's sanction to a revised budget.

(2) In order that the progress of expenditure against budget allotements may be watched the amounts of allotment under each head shall be entered in red ink at the top of the appropriate columns on the expenditure side of each page of the General Cash Book as it is brought into use.

67. (*a*) The accounts of the committee shall be audited once in two years under the order of the Accountant-General in the Local Audit Department.

(*b*) The committee shall produce all such accounts, registers, documents and papers as may be called by the auditors.

(*c*) After each audit of its accounts the committee shall deal promptly with the objection statement, if any, and the audit note, and shall indicate on an interleaved copy of the audit note the action taken on it. One copy of the audit note so annotated shall be forwarded to the Deputy Commissioner and one to the Examiner, Local Fund Accounts, Audit Department, Lahore.

(*d*) To meet the cost of the audit the committee shall

pay to the Punjab Government a fee calculated as follows:—

(*i*) If the income of the Town Committee does not exceed sixty-five thousand rupees ;—a fee of three-quarters per cent on such income.

(*ii*) If the income of the Town Committee exceeds sixty-five thousand rupees ; but does not exceed one lakh; —a fee of five hundred rupees.

(*iii*) If the income of the Town Committee exceeds one lakh ;—a fee of five hundred rupees plus twenty rupees for every ten thousand rupees or part of such sum by which the income exceeds one lakh.

Explanation.—For the purpose of calculating the audit fee "income" shall mean the amount of the receipts credited to the Town Fund during the period to which the accounts relate after deducting—

(*a*) the sums, if any, paid to the Public Works Department on account of works executed or to be executed by that Department on behalf of the Town Committee ; and

(*b*) the sums, if any, withdrawn by the Town Committee from the deposit with a bank or sums realised on the sale or maturity of securities.

NOTE

Clause (*d*) to Rule 67 was added by P. G. N. 18547 of 29-7-24.

"(*e*) The amount of the audit fee payable under the provisions of clause (*d*) shall, if the town fund is kept in a Government treasury or sub-treasury or a bank to which the Government treasury business has been made over, be recovered by book transfer from the balance of the town fund to be made by the Treasury Officer on receipt of instructions from

the Accountant-General, and, if the town fund is deposited with a banker or person acting as a banker under the provisions of sub-section (2) of section 17 of the Punjab Small Towns Act, 1921, shall be paid into the treasury by the town committee immediately on receipt of intimation from the auditor as to the amount payable."......*This clause was added by the P. G. N. 23863 of 5-11-25.*

68. **Committee to designate officer to sign receipts and grant licenses**. Every committee shall by resolution designate the officer or servant of the committee by whom—

(*a*) receipts may be signed on behalf of the committee.

(*b*) licenses may be granted

69. **Embezzlement**. Whenever an embezzlement of money belonging to the Town Fund is discovered enquiry shall at once be instituted by the President, and the fact of the embezzlement shall immediately be reported by him direct to the Accountant-General in the Local Audit Department who shall, if neceesary, investigate the matter. Intimation shall be sent to the Deputy Commissioner, and when the matter has been fully enquired into, a full report should be submitted to him.

NOTE.

The following Forms 1 to 18 have been newly substituted by P. G. N. 2593 of 24-1-24 for those in P. G. N. 25432 of 3-11-23. Forms 1, 2 and 18 have been again substituted by P. G. N. 7265 of 8-3-27 for those in P. G. N. 2593 of 24-1-24.

Secretary's Permanent Advance Account—Form. No. 1.

Rule 7.

Receipts.			Expenditure.														
1	2	3	1	2	3	4	5	6	7	8	8-A.	9	10	11	12	13
Date.	No. of Cheque.	Amount.	Date.	No. of Voucher.	Description of Charge.	General.	Conservancy and Sanitation.	Water Supply.	Medical.	Education.	Watch and Ward.	Markets and Slaughter-houses.	Gardens and roadside trees.	Pounds.	Roads.	Street lighting.
		Rs a.p.				Rs.a.p.	Rs.a.p.	Rs.a.p.	Rs.a.p	Rs.a.p.	Rs a.p.	Rs.a.p	Rs a p.	Rs.a.p	Rs.a p.	Rs a.p.

Note—Column 8-A was added for "watch and ward" on the expenditure side, by P. G. N. 7265 of 8-3-27.

General Cash Book—Form No. 2.

RECEIPTS

Rules 8, 10, 14, 16, 24, 25.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Date.	Name of Payer.	Number of register in which receipt is posted and number of entry.	Taxes or Tolls.	License fees.	Slaughter house and market fees.	Other miscellaneous fees.	Medical fees and contributions	Education fees & contributions.	Rent	Sale Proceeds	Pounds	Fines	General grants & contributions.	Miscellaneous.	Daily Total
			Rs.a.p.	Rs.a.p	Rs a.p.	Rs a p	Rs.a.p	Rs,a p	Rs a p	Rs.a p	Rs.a.p	Rs a p	Rs.a p	Rs.a.p.	Rs.a.p.

General Cash Book—Form No. 2.

EXPENDITURE.

1	2	3	4	5	6	7	8	8A	9	10	11	12	13	14
Date.	Name of Payee	Number of cheque	General	Conservancy and sanitation	Water supply.	Medical.	Education.	Watch and Ward.	Markets and Slaughter houses.	Ga dens and Road-side trees.	Pounds.	Other works & roads.	Street lighting.	Daily Total.
			Rs a.p.	Rs a p	Rs.a.p.	Rs a p	Rs.a p.	Rs a.p	Rs.a.p,	Rs a p.	Rs a p	Rs.a p	Rs.a.p	Rs.a p.

Note—Column 8-A, for " Watch and Ward " on the Expenditure side was inserted by P. G. N. 7265 of 8-3-27

Establishment Register—Form 3.

Rule 12.

Name & date of the resolution of the committee sanctioning the appointment.	Description of the appointment.	Number of appointments.	Monthly rate of pay.	Initial of Secretary.	Remarks.

General Bill Form—Form No. 4.

No....... Rule 9 (2) *Month*........19

Head of charge in General Cash Book.	Number of voucher.	Description of charge.	Rs.	A.	P.
		Total ...			

Pay Rupees annas pries (Rs. A. P.)

(Initial of Secretary) Signature of officer ordering payment

Date.............

Establishment Bill—Form 4-A.

Month.....................

Rule 14.

Name and appointment of employee	Rate of pay	Period.	Amount of pay.	Amount of deduction	Net amount payable.	Total of section.	Signature or thumb mark of recipient, with date of receipt and stamp, if necessary.
Section 1—General.							
Section 2—Conservancy and Sanitation							
Section 3—Water-Supply.							
Etc.							
					Grand Total.		

Pay Rupees annas pies (Rs. A. P.)

(Signature of President or Vice-President

Paid by Cheque No dated. (Initial of Secretary).

Muster-Roll—Form 5.

Nature of work............. *Month*............... *Head of Account*..............

Rule 21.

Name	Father's name.	Designation.	Date.																														
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
		Total																															

Total number of days.	Rate of daily pay.	Amount paid.			Signature or thumb mark of payee.
		Rs.	A	P	

Certified that all the persons shown above were actually employed in the interests of the small town and that their pay as entered above was distributed in my presence.

Date.. (Signature of officer or member in charge of the work.)

Register of Tools and Plant—Form 6.

Rule 26

Date of acquirement.	Number or quantity of articles	Description of articles	Cost			Remarks.
			Rs	A.	P.	

Stock Register—Form. 7

Rule 28

Receipts.					Issues.					
Date.	Number or quantity	Description of article	Rate,	Cost.	Date	Number or quantity	Balance	Persons to whom issued		Remarks.
								Designation	Signature	
1	2	3	4	5	6	7	8	9	10	11
			Rs. A. P.	Rs.						

Property Rate Register—Form No. 8.

RULE 30.

Serial No	Name of Tax-payer	Description of Property.	Assessed annual value.	Remarks.	Year—Percentage of Annual Value to be levied				Year—Percentage of Annual Value to be levied.			
					Tax actually payable		Receipts of Tax.		Tax actually payable.		Receipt of Tax.	
					Dates of instalments.	Amounts due (arrears of previous years to be shown separately.)	Dates of payments	Amounts paid (payment of arrears shall be shown separately)	Dates of instalments.	Amounts due (arrears of prevous years to be shown separately)	Dates of payments.	Amount paid (payment of arrears shall bo shown separately).
			Rs.			Rs		Rs.		Rs		Rs.

Year—Percentage of annual value to be levied.				Year—Percentange of annual value to be levied				Year—Percentage of annual value to be levied			
Tax actually payable		Receipts of Tax									
Date of instalments.	Amouuts due (arrears of previous years to be shown separately.	Dates of payments.	Amounts paid (payment of arrears shall be shown separately)	Dates of instalments.	Amounts paid (arrears of previous years to be shown separately)	Date of payments.	Amounts paid (payments of arrears shall be shown separately.)	Dates of instalments.	Amount paid (payment of arrears shall be shown separately.)	Dates of instalments.	Amount paid (payment of arrears shall be shown separately).
	Rs.		Rs		Rs		Rs		Rs		Rs.

Personal Rate Register—Form No. 9.

Rule 30.

Serial No.	Name of Tax-payer.	Amount of assesment unit	Remarks.	Year—Number of Assessment units to be levied.———				Year——Number of Assessment units to be leived———			
				Tax actually payable.		Receipts of Tax.		Tax actually payable.		Receipts of Tax.	
				Dates of instalments.	Amounts due (arrears of previous year to be shown separately.)	Date of payments	Amounts paid (payment of arrears shall be shown separately)	Dates of instalments.	Amounts due (arrears of previous year to be shown separately)	Dates of payments	Amounts paid (payment of arrears shall be shown separately.)
1	2	3	4	5	6	7	8	5	6	7	8

Year——Number of Assessment units to be levied.———				Year——Number of Assessment units to be levied———				Year——Number of Assessment units to be levied———			
Tax actually payable		Receipt of Tax.		Tax actually payable		Receipt of Tax		Tax actually payable		Receipts of Tax	
Dates of instalments.	Amount due (arrears of previous years to be shown separately.)	Dates of payments	Amounts due (payment of arrears shall be shown separately.)	Dates of instalments	Amounts due (arrears of previous years to be shown separately)	Dates of payments.	Amounts paid (payment of arrears shall be shown separately)	Dates of instalments.	Amount due arrears of previous year to be shown separately.)	Dates of payments	Amounts paid (payments of arrears shall be shown separately).
5	6	7	8	5	6	7	8	5	6	7	8
	Rs.		Rs.		Rs.		Rs		Rs.		

Profession Tax Register. Form 10.

Rule 34.

1	2	3	4	5	6	7	8
			Tax Payable		Receipts of Tax		
Profession, Art, Business, Trade or Calling	Serial No	Name of Tax-payer	Dates of instal-ments.	Amounts due Arrears of pre-vious years to be shown sepa-rately	Dates of pay. ment	Amounts paid (payment of arr-ears shall be shown separa-tely).	Remarks.
				Rs		Rs.	

Vehicle, animal, or Dog Tax Register—Form No. 11

Rule 35.

1	2	3	4	5	6	7	8
			Tax payable.		Receipts of Tax		
Serial No.	Name of Tax-payer.	Number and description of Vehicle, animals or dogs	Date of instal ments.	Amounts due Arrsears of pre-vious years to be shown sepa-rately.	Dates of pay-ments.	Amounts paid (payment of ar. rears shall be shown separa-tely.	Remarks.
				Rs		Rs.	

Rent Register—Form No. 12

Rule 38.

1	2	3	4	5	6	7	8	9
				Rent payable		Rent paid		
Serial No.	Description of property or fees leased.	Name of lessee.	No. and date of resolution of the committee sanctioning the lease.	Dates of instalments.	Amounts due Arrears of previous year to be shown separately	Dates of payment	Amounts paid (payment of arrears shall be shown separately.)	Remarks.
					Rs		Rs,	

Vehicle License—Form No. 13.

RULE 42.

Vehicle License No. ____________

Name, etc., and address of Licensee ____________

____

____

Description of vehicle ____________

____

____

Number and class of vehicle ____________

____

Period of License ____________

Date ____________

Amount of Fee ____________

Progressive Total.

Date ____________

Rs.	A.	P

Initials of Licensing Officer.

License No. ____________

Name, etc, and address of License ____________

Whereas ____________ has paid Rs. ____________ to the Small Town Commitee of ____ receipt of which is hereby acknowledged, now therefore he is licensed to ply for hire the vehicle described below subject to the condition printed on the reverse* of this license during the period from ____________ to ____________

Description of vehicle

____

Licensing officer

*The conditions printed on the reverse shall be such as the Committee may lay down in a general order made under clause (*g*) of section 35 of the Act.

License of Premises—Form No. 14.

Rule 42.

License of Premises No. ____________

Name, etc., and address of Licensee ____________

____

____

Purpose for which the premises are licensed

____

Period of license ______________________

____

Amount of fee ________________________

Date ____________

	Rs.	A.	P.
Progressive Total			

____

Initials of Licensing Officer.

License of Premises No. ______________________

Name, etc, and address of Licensee ______________________

Whereas ______________________________________

______________ has paid Rs. ______________

______________ to the Small Town Committee of

____

the receipt of which is hereby acknowledged, now therefore the premises described below are licensed for use by him subject to the condition printed on the reverse of this license* during the period from ________ to ______________

Description of Premises.

Dated ______________

____

Signature of Licensing Officer,

*The conditions printed on the reverse of the License shall be such as the committee may lay down in a general order under clauses (*p*), (*q*), (*u*) or (*v*) of section 35 of the Act.

Fee Ticket—Form No. 15.

Rule 47.

Book No.......................

Ticket No. ____________________

____

____

Fee Ticket.

Name of Ticket Holder ____________________

____

Date____________________

Amount of fee ____________________

Date ____________________

Progressive Total

Rs.	A.	P.

Initials of Issuing Officer.

Book No.____________________

Ticket No.____________________

____

____

Fee Ticket.

This ticket is issued to ____________________

____

in acknowledgment of his having paid fee of Rs.________

____

due from him this day for____________________

____

Date____________________

____

Signature of Issuing Officer.

*Here fill in the class of fee *e. g.* slaughter-house fee, cart-stand fee, occupation of market fee, etc.

Receipt Form No. 16.

Rule 54.

Receipt

Book No. ____________

Receipt No. ________________

Received this day from ________________
____

the sum of Rs. ____________________

____________________ on account of
____
____

for credit to the ____________ Town Fund

Date __________

____
Initial of Secretary.

Receipt

Book No. ____________

Receipt No. ____________

Received this day from ________________
____

the sum of Rs. ____________________
____
____
____

for credit to the ________________ Town Fund

Date ____________

Stamp if necessary

(Signature of Secretary.)

Treasury or Bank Chalan—Form No. 17.

Rule 59.

Book No.______ (Name of Small Town ______

Challen No. ______

Received from the Secretary of the ______ Town Committee the sum of Rupeee ______ Annas ______ Pies ______

(Rupees ______ Annas ______ Pies ______) for credit to the Town Fund of ______

______
Signature of officer-in-charge of treasury or sub-treasury or banker.

Date ______

Book No. ______ Name of Small Town ______

Chalan No. ______

Please receive the sum of Rupees ______ Annas ______ Pies ______

(Rupees ______ Annas ______ Pies ______) for credi to the Town Fund of ______

______
Signature of Secretary.

Date ______

CHAPTER III

THE SMALL TOWN BUSINESS RULES, 1924.

P. G. N. 28465 of 17-12-24. "1. A. These rules may be called the Small Town Business Rules, 1924.

As amended by 20105 of 1-8-27 13632 of 30-4-27 and 516 of 6-1-32

NOTE.

This rule was inserted by P. G. N. 13632 of 30-4-27.

1. The President or, in his absence the Vice-President or, if no president or vice-president has yet been elected, the secretary may convene a meeting of the committee at any time or place.

NOTE.

Section 10 of the Act requires that every committee shall meet at least once a month.

2. (1) When a meeting is to be convened notice thereof shall be sent to member ordinarily three clear days before the date of the meeting, and in any case at least one clear day before such date.

NOTE.

It means that the day of the issue of notice and the day on which the meeting is to be held, are excluded from the counting of three days, requisite for a notice. Ordinarily means generally and " in any case " means when a meeting is called emergently.

(2) Every such notice shall state the place, time and date fixed for the meetting, and shall be signed by the President, Vice-President or Secretary.

(3) The notice shall be accompanied by a duly attested list of business hereinafter called the "the agenda" to be transacted at the meeting.

(4) If it is necessary to adjourn a meeting the Chairman of the meeting shall give notice at the place of meeting of the place, time and date to which the meeting is adjourned, and notice thereof shall, as soon as may be, be sent to every member of the committee not present at the meeting adjourned; provided that it shall be lawful for the President or in his absence the Vice-President in an emergency to alter with due notice the place, time and date so fixed.

3. (1) The agenda shall include every matter that any member may desire to put before a meeting; provided that a copy of the motion thereon signed by such member and by a seconder has been delivered to the secretary of the committee at the committee's office at least seven days before the meeting, provided further that the president may, for reasons to be recorded in writing, refuse to permit any matter to be placed on the agenda if he considers that the matter is one which the town committee is not concerned or is otherwise not suitable for discussion at a meeting of the committee.

" *Provided further that no matter shall be included in the agenda for any meeting of a Committee nor be discussed at any such meeting which is not connected with the functions and duties of Committees as prescribed by the P. S. Towns Act, 1921, and it shall be the duty of the President to disallow the inclusion in the agenda of any such matter and the President or the Chairman of the meeting shall refuse to permit at a meeting the discussion of any such matter;*

Provided further that the President or Chairman of a meeting may permit the discussion of any such matter if the discussion of such matter appears to him to be in the public interest and not in any way likely to impede the administration or to promote or encourage lawlessness or to cause communal discord or to be for any other reason undesirable."

NOTE.

The last two provisos in italics have been substituted for the second proviso of rule 3 (1), (inserted by P. G. N. 13632), by P. G. N. 516 of 6-1-32.

(2) Every such notice shall state the place, time and date fixed for the meeting and shall be signed by the president, vice-president or secretary.

3. The notice shall be accompanied by a duly attested list of business hereinafter called " the agenda " to be transacted at the meeting.

4. No business shall be transacted at any meeting of a committee unless at least three members are present : provided that if at any meeting there is no quorum the chairman may adjourn the meeting in accordance with the provisions of sub-rule (4) of rule (2) to a subsequent date and on such subsequent date the agenda may be disposed of whether a quorum is present or not.

5. The proceedings of every meeting shall commence with a motion by the Chairman that the minutes of the previous meeting be confirmed. Such minutes shall ordinarily be taken as read, but if for any reasons they have not been previously circulated to the members they shall be read before they are taken into consideration. Any member who was present at the previous meeting may object to the confirmation of the minutes by moving an amendment on the ground that any matter is not correctly recorded or expressed.

NOTE.

A member who was absent at the previous meeting cannot object to its comfirmation. If the m'nutes contain a correct record or expression of the previous meeting, no amendment can he moved, unless it is to remove a clerical mistake.

6. The items in the agenda shall then be dealt with in the order in which they appear in the notice : Provided that the Chairman, with the consent of the majority of the members present, may vary such order or bring before the meeting any matter not included in the agenda.

7. The Chairman shall decide all point of order or procedure and his decision shall be final. Whenever he rises to speak, any member speaking shall resume his seat.

8. If more than one member rises to speak at the same time, the Chairman shall name the member who is to speak.

9. Members when speaking shall stand and address the Chairman and except on a point of order, or personal explanation

the member speaking shall not be interrupted by any member other than the chairman.

10. No speech shall be read.

11. So far as is possible and consistent with the matter under discussion no member shall direct personal or objectionable remarks at any other member. For the purpose of this rule the ruling of the chairman shall be final.

12. A member desiring to raise a point of order or make a personal explanation shall rise and address the chairman. The member speaking shall then give way, and remain seated until the chairman has decided the point raised : provided that the chairman may permit any other member including the member called to order to speak on the said point.

13. If the meeting refuses to obey the ruling of the chairman on any matter he may adjourn it atonce ; and when he has declared the meetings adjourned on this or any ground, the subsequent proceedings of the meeting or any residue thereof shall be void and shall not appear in the minutes.

14. The chairman, after calling the attention of the meeting to the conduct of a member who persists in stating or in arguing upon a matter which is, in the opinion of the chairman irrelevan or in repeating his own arguments or the arguments used by othet members, may direct him to discontinue his speech.

15. The chairman may name any unruly member for report to Government with a view to action being taken under section 7 of the Act.

16. The chairman may direct any member, whose conduct is in his opinion grossly disorderly, to withdraw immediately from the meeting and any member so ordered to withdraw shall do so forthwith and shall unless recalled by the chairman absent himself during the remainder of the meeting. The chairman may cause to be summarily removed any member who disobeys an order to withdraw under this rule.

17. The President or the Vice-President shall on the application of any rate-payer or his representative or agent, shall supply him with a copy in English, Roman urdu or vernacular as the case may be, any order passed by the town-committee on payment of fees at the same rates as are prescribed from time to time for the supply of copies under Standing Order No. 5 of the Financial Commissioners.

NOTE.

This rule has been inserted by P. G. N. 20105 of 1-8-27.

CHAPTER IV

THE SMALL TOWNS DISMISSAL AND APPOINTMENT RULES.

No 9052 of 3-4-25.—The following rules made by the Punjab Government Ministry Education), in exercise of the powers conferred by section 51 of the Punjab Small Towns, Act, 1921 are published for information. They shall apply to all small towns in the Punjab, and shall come into force at once :—

as amended by 17310 of 18-6-27; 21566 of 16-8-27;; 33651 of 20-12-27 19392 of 22-6-28 2701 S of 20-7-28; 23966 of 15-8-28. 13563 of 9-4-29 5394 of 17-2-31;

1. In these rules.—

(1) "to dismiss" means permanently to remove from a substantive appointment for misconduct or incompetence.

(2) "Sanitary works" includes all works.—

(a) connected with the collection, storage, protection, supply, distribution and regulation of water for drinking or flushing ;

(b) connected with drainage, sewerage or the utilization of sewerage ;

(c) connected with the sanitation of streets, slaughter-house, markets, lodging-houses, serais, bathing ghats and other public places ;

(d subsidiary to, or connected with, or relating to, the construction or maintenance of water and flood and drainage channels, sewers and street gutters.

(3) "The British Medical Acts" has the meaning assigned to it in section 3 of the Punjab Medical Registration Act, 1916.

2. (1) Except as provided in sub-rules (2) and (3), no person shall appoint as an officer or servant of a town committee, save in pursuance of a resolution of the committee, and no officer or servant of a town committee shall be suspended, dismissed or transferred from one appointment to another, save in pursuance of such a resolution.

(2) If the committee has, in exercise of tho power conferred by section 42 of the Act, delegated its powers to the President or the Vice-President, the President or the Vice-President may, in exercise of the power so delegated, by order appoint, dismiss or transfer from one appointment to another any officer or servant of the committee.

(3). In cases of emergency, the President, or in his absence the Vice-President, may appoint or suspend or transfer from one appointment to another any officer or servant of the committee, subject to confirmation of such appointment, suspension or transfer by the committee at its next subsequent meeting.

"2-A. No person who is either a parent or descendant of a member of a town committee or a descendant of any parent of such member, or the husband or wife of such member or descendant, shall be appointed as an officer or servant of such town committee without the previous sanction of the Deputy Commissioner."

NOTE.

This rule has been added by P.G.N 5394 of 17-2-31

3. (1) When it is proposed to dismiss any officer or servant of a committee, the charges against him shall be framed in writing, and, together with the evidence in support of them, shall be explained to him; his statement and any evidence which he may produce in his defence shall be recorded, and a separate finding shall be recorded in respect of each charge.

(2) Any officer or servant of a committee who has been dismissed may, within thirty days of the resolution or order of dismissal, appeal to the Deputy Commissioner, whose decision shall be final, provided that the Deyuty Commissioner may,

if he thinks fit, for reasons to be recorded, admit an appeal lodged after the expiry of thirty days from the date of the resolution or order of dismissal.

4. No person shall be appointed by a committee, as town engineer unless he possesses such qualifications as are prescribed for the Punjab Subordinate Engineering service, and has in addition three years' professional standing.

5. No person shall be appointed by a committee to any office, other than the office of town engineer, connected with sanitary or other works the proper discharge of which requires the exercise of professional skill unless he posseesses such qualifications as the Local Government may, from time to time, by general or special order prescribe.

6. No person shall be employed by a committee as Medical Officer of Health or Assistant Mediacl Officer of Health who does not possess—

(*a*) a degree or diploma entitling him to be registered under the Punjab Registration Act, 1916 or the British Medical Acts ; and

(*b*) a qualification in Public Health entitling him to be registered under the British Medical Acts or granted by a recognized Indian University.

7. No person shall be employed by a committee as a Female Assistant Medical Officer of Health unless she possesses the diploma of M.P.L. or a higher diploma and is registered under the Punjab Medical Registration Act, 1916.

8. (1) No person asserting himself to be a *hakim* or *vaid* shall be employed by a committee unless he—

(*a*) has passed one of the following examinations :—

(*i*) the Hakim-i-Haziq of the Islamia College, Lahore.

(*ii*) The Zabdatul Hukma of the Islamia College. Lahore ;

(*iii*) The Kaviraj of the D. A. V. college, Lahore ;

(*iv*) The Vaidya Vachaspati of the D. A. V. College, Lahore ;

(*v*) The Unani (Arabic) final Fazil-i-Tib-o-Jirahat of the Ayurvedic and Unani Tibbi College, Dehli ;

(*vi*) The Unani (Urdu) final Kamil-i-Tib-o-Jirahat of the Ayurvedic and Unani Tibbi College, Dehli ;

(*vii*) The Vedic (Sanskrit) final Ayurvedacharya Dhanvantri or the Ayurvedic and Unani Tibbi College, Delhi.

(*viii*) The Vedic (Bhasha) final Bhishagacharya Dhanvantri of the Ayurvedic and Unani Tibbi College, Delhi.

NOTE.

The word "or" has been omitted from the end of sub-clauses (*vii*) and (*viii*), aforesaid by P. G. N. 33651 of 20-12-27.

(*ix*) The Haziq-ul-Hukma of the Bhupindra Tibbia College, Pataila.

(*x*) The Tabib-i-Akmak of the Bhupindra Tibbia college, Patiala, or

NOTE.

The sub-clauses (*ix*) and (*x*) aforesaid have been newly inserted by P. G. N. 21566 of 16-8-27 and in the sub-clause (*x*), the comma and the word "or" have been substituted for the fulstop at the end, by P. G. N. 33651 of 20-12-27.

(*b*) is a registered medical practitioner not being in, or having been dismissed from the service of Government ; or

(*c*) has a diploma showing that he has been the pupif of a practising ***hakim*** or ***vaid***, and has himsell

continuously and satisfactorily practised the profession for not less than seven years ; or

NOTE.

For the fulstop at the end of this sub-clause a comma and the word 'or' have been substituted by P. G. N 33651 of 20-12-27.

(*d*) is a sanad-holder of the Takmil-ut-Tib College, Lucknow."

NOTE.

This clause has been added by P. G. N. 33651 of 20-12-27.

(2) Except with the previous sanction of the Local Government, no person describing himself to be a *hakim* or *vaid* shall be paid a remuneration exceeding fifty rupees per mensem, and without such sanction no *hakim* or *vaid* who has not one or other of the qualifications specified in clauses (*a*) and (*b*) of sub-rule (1) shall be paid a remuneration exceeding twenty-five rupees per mensem.

(3) A committee may supplement the remuneration payable to a *hakim* or *vaid* under sub-rule (2) by the supply of medicines either free or on commission sale.

(4) Every *hakim* or *vaid* employed by a committee shall keep a register of patients, and the Commissioner of the Division or the Deputy Commissioner or Civil Surgeon the district or the President or Secretary or any other person authorised to this effect by the committee may call for and inspect such a register.

"9. No town committee shall employ or continue to employ any person as a dispenser in any hospital or dispensary unless he has undergone a course of three month's training at a hospital at the headquarters of a district "*or such other hospital as may be declared by Government to be a hospital at which such training may be undergone* and has obtained a

certificate from the Civil Surgeon certifying that he is fit for employment as a Dispenser :

Provided that any person who at the time this rule comes into force is employed as a dispenser may be retained in such employment for a period of one year from such date, but shall not be retained in employment as a dispenser thereafter unless he has, in the meantime, undergone the course of training and obtained the certificate prescribed above or is certified by the Civil Surgeon to be fit for employment as a dispenser without undergoing such course of training.

NOTE.

This clause was newly added by P.G.N. 17310 of 18-6-1927, and the words in italics have been inserted by P. G. N. 13563 of 9-4-29.

10. No Town Committee shall appoint to the post of Sanitary Inspector any person who does not possess at least one of the following certificate :—

(*a*) the Punjab Sanitary Inspectors' certificate ;

(*b*) the Bombay Sanitary Inspectors' certificate ;

(*c*) the Madras Sanitary Inspectors' certificate ;

(*d*) a certificate from the Royal Sanitary Institute, London ;

(*e*) a certificate from the Sanitary Inspectors' Association, London ;

and whose name at the time of his appointment does not appear in the register of Sanitary Inspectors maintained by the Director of Public Health, Punjab.

11. The pay of a Sanitary Inspector shall not be less in either grade than the minimum of the Scale prescribed below :—

1st grade.....................Rs. 100-5-150 per mensem ;

2nd grade ....Rs. 50-4-90 per mensem ;

Provided that a Sanitary Inspector shall not be promoted to the first grade until he has passed the prescribed examination :

Provided further that a committee may grant a conveyance allowance in addition to pay.

12. No Town committee shall employ a Sanitary Inspector on work other than Sanitation, registration of vital statistics and the prevention of encroachments on Public property, except with the sanction of the Director of Public Health, Punjab.

13. Every Sanitary Inspector shall mention a diary of sanitary reports and recommendations ; and shall at such periods as may be prescribed by the Director of Public Health submit his diary to the Medical Officer of Health of the Committee or where there is no such Medical Officer of Health to thee District Medical Officer of Health who after recording his remarks therein shall forward the diary to the president of the Committee for orders ;

Provided that if any special report is submitted by a Sanitary Inspector, only an abstract of such report with the order if any shall be entered in the diary in the appropriate place.

14. Every Sanitary Inspector shall when required submit his diary to the Director of Public Health or any of his assistants.

15. Every Committee of small town mentioned in appendix A of these rules shall employ at least one Sanitary Inspector.

16. The appointment and dismissal of a Sanitary Inspector by a Town Committee shall be subject to the approval of the Director of Public Health, Punjab, but in other respects Sanitary Inspectors shall be under the control of the local bodies which employ them.

APPENDIX A.

1. Bhalwal
2. Chakwal
3. Gujarkhan
4. Hafizabad
5. Jaranwala
6. Pattoki
7. Sillanwali
8. Tandlianwala
9. Tarn Taran
10. Toba Tek Singh

NOTE.

* Rules Nos. 10 to 16 (including appendix A.) have been inserted by P. G. N. 19392 of 22-6-28, as amended by P. G. N. 2704-S of 20-7-28 and P. G. N. 23966 of 15-8-28.

CHAPTER V

Small Towns

11047 of 5-4-26; 24562 of 1-9-26; 6489 of 1-3-27; 2958 of 25-9-29;

In exercise of the powers conferred by Section 51 of the Punjab Small Towns Act, 1921, the Punjab Government (Ministry of Education) are pleased to make the following rules for Small Towns in the Punjab :—

RULES.

Short title.

1. These rules may be called the *Small Towns Works Rules*, 1926.

Definition

2. In these rules unless there is anything repugnant in the subject or the context—

(1) "Administrative approval of a work" means a pronouncement that the work is suitable and desirable.

(1-A) " Sanitary Engineer" means the engineer appointed by the Local Government to the Urban Sanitary Board' and includes an engineer for the time being discharging the duties of that office."

NOTE.

Inserted by P.G.N. 24562 of 1-9-26.

(2) "Sanitary Work" means any work—

(*a*) connected with the collection, storage, protection, supply, distribution or regulation of water for drinking, washing or flushing ;

(*b*) connected with drainage, sewerage or the utilization of sewerage ;

(*c*) connected with the sanitation of streets, slaughter-houses, markets, lodging-houses, serais, bathing ghats or other public places ;

(*d*) subsidiary to or connected with or relating to

water-channefs, flood-channels, drainage-channels. sewers or streets, gutters.

(3) "Technical sanction of a work" means sanction of the detailed plans and estimates of the work.

(4) "Urban Sanitary Board" means the Urban Sanitary Board for the Punjab for the time being constituted under the orders of the Local Government.

Administrative approval.

3. (1) No original work involving an expenditure of more than two thousand rupees shall be undertaken by any committee unless the administrative approval of the competent authority has previously been obtained as provided in sub-rule (2).

(2) The authority competent to grant administrative approval for an orriginal work shall be—

(*a*) the Deputy Commissioner, if the expenditure involved is more than two thousand rupees but not more than ten thousand rupees ; or

(*b*) the Commissioner, if the expenditure involved is more than ten thousand rupees, but not more than fifty thousand rupees ; or

(*c*) the Urban Sanitary Board in the case of a Sanitary work or the Local Government in the case of any other work if the expenditure involved is more than fifty thousands rupees.

(3) Before according administrative approval the competent authority shall satisfy itself that—

(*a*) funds for the execution of the work are likely to be forthcoming within the next two years and

(*b*) funds to an amount approved by the authority according technical sanction under the provisions of rule 4 are likely to be forthcoming annually for the maintenance of the work after completion.

"4. (1) No original work involving are expenditure of more than five hundred rupees shall be undertaken by any committee unless the technical sanction of the competent authority has previously been obtained as provided in sub-rule (2).

(2) The authority competent to grant technical sanction for an original work shall be—

(*a*) the Executive Sanitary Engineer in the case of a Sanitary Work and the Executive Engineer, Public Works Department, Buildings and Roads Branch, in the case of other work, if the expenditure involved is more than five hundred rupees but not more than five thousand rupees;

(*b*) the Sanitary Engineer to Government, Punjab in the case of a sanitary work and the Superintending Engineer, Public Works Department Buildings and Roads Branch, in the case of other work, if the expenditure involved is more than five thousand rupees."

NOTE.

R. 4. (1) & (2) was substituted for the old r. 4 by P.G.N. 24562 of 1-9-26.

(3) The committee shall be bound in the execution of a work for which technical sanction is required under the provisions of sub-rule (1) to give effect to all modifications required, and to conform to all conditions imposed by the competent authority.

NOTES.

This sub-clause was inserted by P. G. N. 6439 of 1-3-27

Revised administrative approval required in certain cases.

5. If the detailed estimates of any project exceed the amount, administratively approved by 10 per cent, or more, or if it becomes apparent during the execution of any work that the amount so approved will be so exceeded owing to

an increase in the rates or any other cause, or if it is desired to make important modifications of the project so approved even if such modifications involve no increase in the cost of the project, the revised administrative approval of the competent authority shall be obtained forthwith.

6. The authority competent to grant technical sanction to the execution of any work may specify the agency by which such work shall be executed and the committee shall not employ any other agency for the execution of such work, provided that if the competent authority refuses to permit the committee to employ its own agency the committee may appeal against the order of the competent authority to the next higher authority to which such competent authority is subordinate.

7. Every committee shall pay to the Local Government on account of services rendered to it by officers of the Public Works Department, "*excluding the Superintending Architect, Architectural Circle, Punjab*," *the fees specified in the following table, namely :—*

Note :— The words in italics were added by P. G. N. 29580 of 25-9-29.

Description of work.	If the estimated cost of the work is less than Rs. 10,000	If the estimated cost of the work is from Rs. 10,000 to Rs. 30,000	If the estimated cost of the work is Rs. 30,000 or over.
For visiting a site and giving advice preparatory to design.	Travelling allowance according to Government rules plus a fee of Rs. 50 for each day or part of a day.		
For the preparation of preliminary plans and estimates by cubic measurement or otherwise.	$1\frac{1}{4}$ per cent of the estimated cost.	1 per cent of the estimated cost.	$\frac{3}{4}$ per cent of the estimated cost
For the preparation of general drawing plans, elevations, sections and specifications.	$1\frac{1}{4}$ per cent of the estimated cost.	1 per cent of the estimated cost.	$\frac{3}{4}$ per cent of the estimated cost.
For the preparation of half inch full size and other detail drawings	$1\frac{1}{4}$ per cent of the estimated cost.	1 per cent of the estimated cost.	$\frac{3}{4}$ per cent of the estimated cost
For interviews and correspondence with the Engineer incharge of construction to an extent not amounting to supervision.	$1\frac{1}{4}$ per cent of the estimated cost	1 per cent of the estimated cost	$\frac{3}{4}$ per cent of the estimated cost.

Description of work,	If the estimated cost of the work is less than Rs.100,00	If the estimated cost of the work is Rs. 10.000 or more but less than Rs. 30,000	If the estimated cost of the work is Rs. 30.000 or more
For the supervision of construction including periodical inspection to the extent necessary to ensure efficient construction and the issue of all necessary orders regarding the work and the tendering of advice during execution.	3 per cent of the estimated cost.	3 per cent of the estimated cost.	2 per cent of the estimated cost.
For the preparation of plans and estimates and construction through the staff of the Public works Department.	Full departmental charges.		

8. Every committee shall pay to Government on account of services rendered by the Superintending Architect, Architectural Circle, Punjab, the fees detailed in the following table namely :—

Note. This rule was inserted by P. G. N. 29580 of 25-9-29

For visiting a site and giving advice preparatory to design or during execution of work.	Travelling allowance according to Government rules for each day or part of a day plus a fee of fifty rupees		
For the preparation of preliminary plans and estimates by public measurement or otherwise.	2¼ per cent of the estimated cost.	1¾ per cent of the estimated cost.	1¼ per cent of the estimated cost.
For the preparation of general plans, elevations, sections and specifications.	,,	,,	,,
For the preparation of half inch full size and other detailed drawings.	,	,,	,,
For correspondence and interviews with the engineer in charge of construction to an extent not amounting to supervision	,,	,,	,,

CHAPTER VI

Small Towns Vaccination Rules

In nearly all the Town Committees arrangements for vaccination have been made and a vaccine station has been established. Rules governing the working of the vaccination arrangements in the small towns have been framed by various town committees. Such arrangements are simply for the protection of the children against small pox. Officers in charge of the vaccine stations or others, have been empowered to give notice to the parents or guardians of unprotected children to have them vaccinated. No particular form of notice is required, nor its service in any particular way is necessary, so long it reaches the parent or guardian. *Holloway V. Coster* (1897) 1 Q. B. 346. No one can be prosecuted until after the expiry of the six months allowed from the birth of the child for its vaccination *See, Langridge V. Hobbs* (1901), 1 K. B. 497, *Knight V. Hadiwal*, (1874) L. R. 9 Q. B. 412. In any prosecution for neglect to procure the vaccination of a child, it is not necessary to prove that the defendant has received notice from a a Municipal authority for having the child vaccinated ; but the production of any certificate of postponment or of susceptibility, or of the child having had small pox or the register of vaccinations, in which the certificate of successful vaccination of the child has been duly entered, is a sufficient defence, except in regard to the certificate of postponement of vaccination, where the time allowed has expired before the information has been laid *See, Broadhead V. Holdsworth* (1877) 2 Ex. D. 321.

A medical certificate given the day before the hearing that a child eleven months old was then unfit to be vaccinated is no execuse for neglect during the statutory period of six months. *Hinds V. Elsam* (1903) 88 L. T. 867. A person cannot be twice convicted under the same provision in respect of the same child. *Back V. Epping Union Guardians.* (1885) 40 J. P. 19.

MODEL OF VACCINATION RULES.

The following is a model of the rules made by the small town Committees, in exercise of the powers conferred by section 19 of the Vaccination Act, 1880, as amended by the Punjab Vaccination Law Amendment Act, 1929. After having been confirmed by the Commissioner of the Division, they are published for general information for coming into force within the small town, six weeks from the date of the publication of the notification.

RULES.

1. The small town committee shall from time to time appoint a public vaccine station for the small town of—at such a place as the District Medical Officer of Health,—district, may, in consultation with the town committee, approve, and shall similarly fix the days and hours at which such station shall be opened and shall cause to be affixed on the outside of such place, in a conspicuous position, a signboard on which shall be printed in letters easily legible both in English and vernacular characters, the following inscription :—

"Small Town Vaccine Station"

"Open every day from hour—to—hour"

2. For such public vaccine station the town committee shall appoint one vaccinator, and such vaccinator shall ordinarily wear on the breast a distinguishing badge consisting of a red cross on white ground.

3. No person shall be appointed a public vaccinator unless :—

(*a*) he has passed the vernacular or anglo vernacular middle school examination ;

(*b*) he is certified as medically fit by a registered medical practitioner or the district medical officer of health ;

(c) he has attended a course of instruction in vaccination and elementary hygiene of the Punjab Vaccine Institute and, obtained the certificate granted by that institute ; and

(d) he is declared fit for the post by the District Medical Officer of Health.

4. During the vaccination season the public vaccinator shall be bound to attend at the vaccine station on the days and hours fixed for that station and shall reside within the small town limits.

NOTE.

For the vaccinators.—Although the Vaccination Act, 1880, does not render liable to punishment the om ission to get children under the age of six months vaccinated, yet it is very desirable that childern should be vaccinated at an earlier age. As a rule, all healthy unprotected children over one month old presented for vaccination should be vaccinated by the public vaccinator.

5. The lymph to be used in the performance of vaccination shall be pure lymph obtained from the Punjab Vaccine Institute.

6. Persons desirous of procuring the vaccination of their children at their own houses shall intimate the fact to the public vaccinator who out of the hours of his public duties shall arrange with the applicant to vaccinate the child, and a fee of eight annas shall be payable to the public vaccinature when he so vaccinates a child within the limits of the small town.

7. Persons licensed by the Local Government to act as private vaccinators shall in no case demand a higher fee than eight annas for a single operation, and shall perform their duties under the orders and subject to the general control of the District Medical Officer of Health.

8. If the result of the first vaccination is a failure, the child shall be revaccinated, and if this second operation is

also a failure, a third attempt shall be made, and if this also is unsuccessful, no further attempt need be made.

9. Whenever it is ascertained that a child is unfit for vaccination or is insusceptible of successful vaccination, a certificate in form I. attaced to these rules shall be granted in the former case to the parent or guardian of such child by the vaccinator and in the latter in form II by the District Medical Officer of Health, and in like manner whenever it is ascertained that a child has been successfully vaccinated a certificate shall be granted by the vaccinator, to the parent or guardian of such child in form III attached to these rules.

10. The following registers shall be maintained by the town committee :—

(*a*) a register to be known as Register A showing the names of children born within the small town area on and after the date of the application of the Vaccination Act, 1880, to such area ;

(*b*) a register to be known as Register B showing the names of unprotected children born in the area aforesaid previous to the date of application of the Vaccination Act, 1880, and who were at that time under the age of fourteen years if boys, and of eight years, if girls ;

(*c*) a register to be known as Register C showing the names of unprotected boys and girls under the age of fourteen or eight years, respectively, who are brought within the local area aforesaid at any time after the application of the Vaccination Act, 1880 and who reside there for a month or more ; and

(*d*) a register to be known as Register D showing the result of each vaccination or its postsponement and the delivery of certificates if any.

11. The preparation of Register A shall be effected from the register of births maintained in the Town Committee's Office, of Registers B & C from the information to be collected

under the orders of the District Medical Officer of Health or Register D from the reports submitted by the vaccinator, as hereinafter prescribed.

12. Every public and private vaccinator employed within the small town shall keep up the following registers :—

(*a*) Register E showing

(*i*) name, sex, age, parentage, caste and residence of each child vaccinated ;

(*ii*) date of operation ;

(*iii*) date of inspection after vaccination ;

(*iv*) result whether successful or unsuccessful ;

v) date of second operation, if first unsuccessful ;

(*vi*) date of inspection after re-vaccination ;

(*vii*) result whether successful or unsuccessful ;

(*viii*) date of third operation, if first and second unsuccessful.

(*b*) Register F showing :—

(*i*) name, sex, age, parentage, caste and residence, of each child produced, but found unfit for vaccination ;

(*ii*) date of certificate of postponement granted under section 9 of the Vaccination Act, 1880.

(*iii*) date on which the child was presented; again for vaccination, and the result of inspection ;

(*iv*) date of renewal of postponement certificate, if any ;

(*v*) remarks

Explanation:—If on the child being presented again for vaccination it is found to be in a fit state for that operation the fact shall be recorded in column 3 of Register F and an entry of the fact of vaccination when performed shall be made in Register E, a reference to such entry being made in the column of remarks of Register F. opposite the corresponding entry in latter.

13. Every public and private vaccinator shall prepare a monthly report during the vaccination season on the general result of the vaccine operations during that period, and shall submit the report through the District Medical Officer of Health to the secretary of the Town Committee accompanied by a return showing—

(*a*) number of boys vaccinated during the month :

(*b*) number of girls vaccinated during the month :

(*c*) results—

(*i*) number successful,

(*ii*) number unsuccessful,

(*iii*) number insusceptible.

FORM I.

CERTIFICATE OF UNFITNESS FOR VACCINATION.

I,———a public (or licensed as the case may be) vaccinator, do hereby certify that in my opinion——— (name of child), the son (or daugher) of———, resident of——— is in a state unfit for vaccination, and that such unfitness will continue during the whole (or, if a part, specify the same) of the current vaccination season.

Dated———. (Sd.)———Vaccinator

Form II.

______________ Small Town Vaccination Station.

Certificate of insusceptibility of successful vaccination.

I, ______________ do hereby certify that ______________ the son (or daughter) of ______________, resident of ______________ has been three times unsuccessfully vaccinated, and that in my opinion he (or she) is insusceptible of successful vaccination.

(Sd.)——— ———
District Medical
Officer of Health.

Dated ______________.

Form III.

______________ Small Town Vaccination Station.

Certificate of successful vaccination.

I, ______________, a public (or licensed) vaccinator, do hereby certify that ______________, (name of child), the son (or daughter) of ______________, resident of ______________, was vaccinated by me on this day of ______________ in the year ______________, and that after due inspection I am satisfied that the vaccination has been successful.

(Sd.)——————

Vaccinator.

Dated ______________.

THE VACCINATION ACT.

Application and framing of Rules thereunder.

In exercise of the powers conferred by section 19 of the Vaccination Act, 1880, as amended by the Punjab Vaccination Law Amendment Act, 1922, the Commissioners of the divisions in which the following Small Town Committees are situated have after applying the aforesaid Act to the Small Town Committees confirmed the rules made by them, by virtue of the notifications mentioned against them :—

Small Town Committee	*P. G. Notification.*
Akalgarh	21888 of 31-7-26 and 1720 of 17-3-30 and 2304 of 5-4-30
Alawalpur	24817 of 22-8-30
Baddomalhi	38963 of 2-12-29 and 154 of 25-8-30
Begowala	38968 of 2-12-29
Bhalwal	26716 of 26-10-27
Bhopalwali	39199 of 3-12-29 and 154 of 25-8-30
Budhlada	12195 of 17-4-26
Chak Jhumra	19647 of 23-7-27
Chakwal	35314 of 30-11-26
Chawinda	154 of 25-8-30 and 39193 of 3-12-29
Chuharkanna	60 of 4-11-29 and 28956 of 28-10-26
Daska	18805 of 14-6-28 and 11057 of 5-4-26
Daud	154 of 25-8-30 and 33115 of 28-10-29
Dhariwal	36 of 18-7-29 and 7910 of 5-3-28
Fatehgarh	64 of 3-12-29 and 2430 of 20-1-28
Garhshankar	3711 of 1-2-28 and 7974 of 5-3-28 and 30325 of 19-10-26
Giddarbaha	5139 of 29-7-29
Gujarkhan	12229 of 5-4-28
Hafizabad	177 of 11-9-30 and 18617 of 4-6-30
Hidayatpore Chhaoni	23750 of 19-8-26 and 74 of 27-10-30
Jalalpur Pirwala	13939 of 21-4-30

Small Towns Committ e	*P. G. Notification.*
Jamke	154 of 25-8-30 and 39232 of 3-12-29
Kalaswala	33118 of 28-10-29
Kalka	7269 of 28-2-23 and 1938 of 22-6-28
Khangah Dogran	24531 of 30-3-26
Khanna	3934 of 2-6-31
Khanpur	16089 of 31-5-27.
Kharar	31386 of 26-10-26 and 19 of 5-2-30
Killa Sobha Singh	109 of 2-6-31
Kot Chhutta	666 of 13-11-30 and 23970 of 15-8-28
Lalian	41530 of 23-12-29
Mailsi	16220 of 8 6-26
Majitha	2663 of 26-11-26 and 139 of 30-7-30
Mandi Jakhal	32908 of 8-11-26
Miani	9035 of 22-3-27
Mitranwali	39196 of 3-12-29
Mukerian	21885 of 31-7-26
Narot Jaimal ngh	66 of 3-12-29 and 10469 of 24-3-28
Nawanshahr	30968 of 30-11-27 and 5618 of 1-9-31
Nurpur (Kangra)	7081 of 8-3-26
Nurpur (shahpur)	21964 of 23-8-27
Palampur	36992 of 14-12-28
Pattoki	34023 of 19-11-30
Pindi Bhattian	107 of 11-6-30 and 4490 of 7-2-28
Qadian	202 of 6-10-30 and 11717 of 28-3-22
Ramdas	201 of 27-3-30 and 23753 of 28-10-29
Ramnagar	84 of 27-3-30 and 427 of 7-1-30
Sahowala	154 of 25-8-30 and 33112 of 28-10-29
Sambrial	154 of 25-8-30 and 11714 of 28-3-29
Sangla	154 of 25-8-30 and 23973 of 15-8-28
Shahkot	22391 of 22-7-30

Small Towns Committee	*P. G. Notification.*
Shahpur Civil Station	14526 of 26-4-28
Sillanwali	31-A-IV-8 of 4-6-30 and 2743 of 24-9-28
Sodhra	83 of 27-3-30
Srigobindpur	66 of 3-12-29 and 2430 of 20-1-28
Sujanpur	63 of 3-12-29 and 2433 of 20-1-28
Sultanwind	74 of 17-1-30
Tallagang	26134 of 8-9-30
Tarn Taran	23450 of 16-8-26 and 138 of 30-7-30
Toba Tek Singh	3713 of 1-2-28 and 7974 of 5-3-28
Tulamba	16225 of 8-6-26
Una	9038 of 22-3-27
Zafarwal	26705 of 18-9-28

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